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No. 22] NEW DELHI, SATURDAY, MAY 28, 1994/JYAISTHA 7, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय
(विधि कार्य विभाग)
(न्यायिक खण्ड)

सूचना

नई दिल्ली, 28 मार्च, 1994

MINISTRY OF LAW, JUSTICE & COMPANY
AFFAIRS

(Department of Legal Affairs)

Judicial Section

NOTICE

New Delhi, the 28th March, 1994

क्र.आ. 1215.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में मक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार गोयल, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कुरुक्षेत्र (हरियाणा राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(40)/94-न्यायिक]

पी. सी. कन्नन, मक्षम प्राधिकारी

S.O. 1215.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ashok Kumar Goel, Advocate for appointment as a Notary to practice in Kurukshetra (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(40)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 8 अप्रैल, 1994

का.आ. 1216.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कश्मीरी लाल शर्मा, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे नवांशहर सब डिविजन, जिला जलंधर, पंजाब में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(47)/94-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th April, 1994

S.O. 1216.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Kashmiri Lal Sharma, Advocate for appointment as a Notary to practice in Nawashahr, Sub Division, Distt. Jalandhar (Pb.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(47)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 11 अप्रैल, 1994

का. आ. 1217.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बाल कृष्ण शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फिरोज सब डिविजन, जिला जलंधर (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(45)/94-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 11th April, 1994

S.O. 1217.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Bal Krishan Sharma,

Advocate for appointment as a Notary to practice in Phillaur Sub-Division, Distt. Jalandhar (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(45)/94 Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 19 अप्रैल, 1994

का. आ. 1218.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वेद प्रकाश चौहान, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दादरी, जिला गाजियाबाद (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(52)/94-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th April, 1994

S.O. 1218.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ved Prakash Chauhan, Advocate for appointment as a Notary to practice in Dadri, Distt. Ghaziabad (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(52)/93-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 19 अप्रैल, 1994

का.आ. 1219.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजबीर एडवोकेट, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गाजियाबाद (उत्तर प्रदेश में) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए

[सं. 5 (49) 94-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th April, 1994

S.O. 1219.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Rajveer Advocate, for appointment as a Notary to practice in Ghaziabad (U.P.)

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(49)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 19 अप्रैल, 1994

का. आ. 1220.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमती अशोक भारद्वाज, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे शेख सराय-II, नई दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं 5(51)/94—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th April, 1994

S.O. 1220.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Mrs. Ashok Bhardwaj, Advocate for appointment as a Notary to practice in Sheikh Sarai-II, New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(51)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 19 अप्रैल, 1994

का. आ. 1221.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री ज्ञान प्रकाश पाण्डेय, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिविल कोर्ट कम्पाउण्ड, वाराणसी (उ.प्र.)

में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(50)/94-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th April, 1994

S.O. 1221.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Gyan Prakash Pandey, Advocate for appointment as a Notary to practice in Civil Court Compound, Varanasi (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(50)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 26 अप्रैल, 1994

का. आ. 1222.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राम पाल सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिविल कोर्ट, शेष बन्द जिला सहारनपुर, (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[संख्या 5(53)/94—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 26th April, 1994

S.O. 1222.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ram Pal Singh, Advocate for appointment as a Notary to practice in Civil Court, Deoband, Distt. Saharanpur (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(53)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 26 अप्रैल, 1994

का. आ. 1223.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गिरधर गोपाल वर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिविल कोर्ट, वाराणसी (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[संख्या 5(54)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 26th April, 1994

S.O. 1223.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Girdhar Gopal Verma, Advocate for appointment as a Notary to practice in Civil Court, Varanasi (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(54)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 26 अप्रैल, 1994

का. आ. 1224.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री मधुमिता कुंड, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे लघुवाद न्यायालय, कलकता (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(56)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 26th April, 1994

S.O. 1224.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Miss Madhumita Kundu, Advocate for appointment as a Notary to practice in Small Causes Court at Calcutta (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(56)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 26 अप्रैल, 1994

का.आ. 1225.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जयवन्त जुगारू पाटिल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे धुले (महाराष्ट्र राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं 5(55)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 26th April, 1994

S.O. 1225.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Jaivant Zugaru Patil, Advocate for appointment as a Notary to practice in Dhule Area (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(55)/94-Judl.]

P. C. KANNAN, Competent Authority.

सूचना

नई दिल्ली, 27 अप्रैल, 1994

का.आ. 1226.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री धर्मीसुदीन, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे राजस्थान मध्य प्रदेश व दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं 5(59)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 27th April, 1994

S.O. 1226.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Fakhruddin Advocate, for appointment as a Notary to practice in Rajasthan, Madhya Pradesh, and Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(59)/94-Judl.]

P. C. KANNAN, Competent Authority

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय,

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 मई, 1994

का. प्रा. 1227.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश सरकार की सहमति से, जो उत्तर प्रदेश सरकार, गृह (पुलिस) अनुभाग 3 आदेश सं. 1513 पो/6-पो 314 (26) (पी)/93, लखनऊ, तारीख 26-4-1993 द्वारा संसूचित की गई थी, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार भारतीय बंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 147, 148, 149, 332, 353, 323, 504/506 के अधीन धाना मनगोह जिला सहारनपुर में 14-3-1992 को रजिस्ट्रीकृत अपराध संख्या 82/92 या उन्हीं तथ्यों से उत्पन्न होने वाले उगो संध्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के अन्वेषण के लिए संपूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/23/93-ए.वी.डी.—II]

आर. एस. बिष्ट, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 10th May, 1994

S.O. 1227.—In exercise of the powers conferred by sub-Section (21) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Uttar Pradesh communicated vide Government of Uttar Pradesh, Home (Police) Anubhag-3 Order No. 1513 P/VI-P-314(26)/93-Lucknow dated 26-4-1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of Crime No. 82/92 under Sections 147, 148, 149, 332, 353, 323, 504/506 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered on 14-3-1992 at Police Station Gangoh District Saharanpur or any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/23/93-AVD-II]

R. S. BISHT, Under Secy.

आदेश

नई दिल्ली, 10 मई, 1994

का. प्रा. 1228.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा-6 के साथ पठित धारा-5 की उपधारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य सरकार के पत्र सं. 143892/पोल—VII/92-14 दि. 7-4-1994 द्वारा प्राप्त हुई तमिलनाडु राज्य सरकार की सहमति, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता

का विस्तार, थिरु. सी. टी. सुकुमारन, आई. ए. एस., को मुद्रु के संबंध में मद्रास में अपराध सं. 1406/92 द्वारा ई—2 रोयापताह पुलिस स्टेशन में रजिस्टर्ड मामले के अन्वेषण के लिए, संपूर्ण तमिलनाडु राज्य पर करती है।

[सं. 228/23/93-ए.वी.डी.—II]

आर. एस. बिष्ट, अवर सचिव

ORDER

New Delhi, the 10th May, 1994

S.O. 1228.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with consent of the State Government of Tamil Nadu accorded vide letter No. 143892/Pol-VII/92-14, dated 7-4-1994, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tamil Nadu for investigation of case registered at E-2, Royapatah Police Station vide Crime No. 1406/92 in Madras on the death of Thiru C.T. Sukumaran, IAS

[No. 228/23/93-AVD-II]

R. S. BISHT, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 11 मई, 1994

का. प्रा. 1229.—केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पत्र सं. 225/10/91-ए.वी.डी II दिनांक 29-4-94 द्वारा, श्री एन. नटराजन, वरिष्ठ एडवोकेट, 20, डा. मुनिस्वामी रोड, कियपोक, मद्रास-600010 को संलग्न अनुसूची में उल्लिखित अपराधों अथवा बम्बई शहर और बम्बई उपत्यकीय जिलों, जिला रायगड और जिला वाणे, में किए गए ऐसे ही मामलों के विचारण तथा उक्त बम्बई विस्फोटों से संबंधित और उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों के विचारण के लिए, उक्त अधिनियम की धारा 9 के अन्वये गठित नाम-निर्दिष्ट स्थापना, बम्बई में पूर्वाक्त अनुसूची में उल्लिखित मामलों और बम्बई शहर तथा उसके उपनगरों में 12 मार्च, 1993 को हुए बम्बई विस्फोटों से उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों से उत्पन्न मामला संख्या आर.सी. 1 (एन)/93 सी.टी.आई., एम.टी.एफ. बम्बई (को) केम. नं. सी.टी.सी.-1 ऑफ 93 तथा उक्त अधिनियम के अधीन उससे संबंधित अन्य मामलों अथवा अनुषांगिक मामलों के संचालन के लिए केन्द्रीय अन्वेषण ब्यूरो के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

अनुसूची

क्रम सं.	स्थान	पुलिस स्टेशन और सी.आर.नं.	डी. सी. सी. सी. आर. नं.
1	स्टॉक एक्सचेंज	एम.आर.ए. मार्ग, 129/93	70/93
2	कथा बाजार	पैडोहर्स्टन, 195/93	70/93
3	सेना भवन	इंदर, 185/93	113/93
4	मेन्ट्री बाजार	वावर, 187/93	117/93
5	महिम कौसवे	महिम, 185/93 म	110/93

1	2	3	4
6.	एयर इन्डिया	कूफे पराडे 126/93	71/93
7.	जाधेरी बाजार (एकमप्लोडिड स्कूटर)	एल.टी. मार्ग, 122/93	75/93
8.	सी-रॉक होटल	बान्द्रा, 148/93	114/93
9.	प्लाजा सिनेमा	महिम, 184/93	109/93
10.	जुहु सेंटर होटल	सान्ताक्रूज, 155/93	116/93
11.	एयरपोर्ट बे 51 (श्रोथिंग एच. जी.)	सहार, 200/93	108/93
12.	सेंटर होटल (एयरपोर्ट)	एयरपोर्ट, 19/93	115/93
13.	वर्ली	वर्ली, एल.ए.सी 389/93	112/93
14.	नैगम सी. आर. एस. रोड (अनएक्स्प्लोडिड स्कूटर)	मटुंगा, 251/93	72/93
15.	धनजी स्ट्रीट एण्ड जाधेरी बाजार (2 अनएक्स्प्लोडिड स्कूटर)	एल. टी. मार्ग, 124/93	111/93
16.	महासला	महासला, 6/93	132/93
17.	श्रीवार्धन	श्रीवार्धन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	थाणे	कपूर बावड़ी, 14/93	135/93
20.	एस. के. मेमन स्ट्रीट	एल.टी. मार्ग, 138/93	77/93
21.	ईस्टर्न साइड लेबोर्टरी ऑफ मुसाफिर खाना, बम्बई I		एल.ए.सी 15/93
22.	नरियाल बाड़ी, मुस्लिम सेमेंटरी, मझगांव		एल.ए.सी 18/93
23.	विक्रमिक गेस्ट हाऊस, नियर लीडो वियेटर, सान्ताक्रूज (उध्दृष्ट)		एल.ए.सी 20/93
24.	58, नगिस दत्त रोड, पालीहिल, बान्द्रा (प.) बम्बई-50.		एल.ए.सी 21/93
25.	बोनापार्ट इन्डस्ट्रीज, अनश्याम इन्डस्ट्रीज इस्टेट, बीरा देसाई रोड, अन्धेरी I		एल.ए.सी 23/93
26.	खातीजाबी चौल आर. नं. 1 कुर्ला, सोनापुर लेन, कुर्ला (प.).	एल.ए.सी 707/93	एल.ए.सी 32/93
27.	श्रीमन्थ कं. अपोजिट एच.एस.जी.एस. सी. टी. मिलेट्री रोड, मेरोल, बम्बई.		एल.ए.सी 22/93

MINISTRY OF PERSONNEL, PG & PENSIONS (Department of Personnel & Training)

New Delhi, the 11th May, 1994.

S.O. 1229.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, Act No. 28 of 1987, the Central Government vide their letter No. 225/10/94-AVD. II dated 29-4-94 hereby appoint Shri N. Natarajan, Senior Advocate 20, Dr. Muniappa Road, Kilpauk Madras 60010, as Special Public Prosecutor of Central Bureau of Investigation for Conducting prosecution of the case RC (1S) /93-CBI STF Bombay (Court Case No. BBC 1 of 93) arising of the cases mentioned in the schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb Blasts which occurred on 12th March, 1993 at Bombay City and suburbs, and other matters connected therewith or incidental thereto under the said Act, in the Designated Court at Bombay constituted u/s 9 of the said Act to try offences or such cases committed at Bombay city and Bombay suburban Districts, Raigad District and Thane District as mentioned in the said schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

SCHEDULE

Sl. No.	Place	Police Station and CR No.	DCB Cr. No.
1	2	3	4
1.	Stock Exchange	M.R.A. Marg, 129/93	70/93
2.	Katha Bazar	Pydhonie, 195/93	73/93
3.	Sena Bhavan	Dadar, 186/93	118/93
4.	Century Bazar	Dadar, 187/93	117/93
5.	Mahim Causeway	Mahim, 185/93	110/93
6.	Air-India	Cuffe Parade 126/93	71/93
7.	Zaveri Bazar (exploded scooter)	LT Marg, 122/93	75/93
8.	Sea-Rock Hotel	Bandra, 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Centaur Hotel	Santacruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Airport)	Air-port, 19/93	115/93
13.	Worli	Worli, LAC 389/93	112/93
14.	Naigaum C.R.S. Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zaveri Bazar (2 Unexploded scooter)	L.T. Marg, 124/93	111/93
16.	Mhasla	Mhasala, 6/93	132/93
17.	Srivara-dham	Shrivardhan, 14/93	133/93

[नं. 225/10/94-ए. प्रो. श्री- II]

आर. एम. विष्ट, संयुक्त सचिव

1	2	3	4
18.	Goregaon	Goregaon 17/93	134/93
19.	Thane	Kapurbawdi, 14/93	135/93
20.	S.K. Memon Street	L.T. Marg, 138/93	77/93
21.	Eastern Side Lavatory of LAC Musaffir Khana, Bombay		15/93
22.	Nariyal Wadi, Muslim Cementary Mazagaon	LAC	18/93
23.	Picnic Guest House Near Lido Theatre, Santacruz (W)	LAC	20/93
24.	58, Nargis Dutta Rod., LAC Pali Hill, Bandra (W) Bombay-50		21/93
25.	Bona Parte Ind., Ghan- LAC shyam Indl. Est. Vira Dsai Road, Andheri.		23/93
26.	Khatijabi Chwl R.No. 1 Sonapur Lane Kurla (W)	Khurla LAC 707/93	32/93
27.	Dreamland Co. of Hsg. LAC Sct. Military Road. Marol Bombay.		22/93

[No. 225/10/94-A.V.D. II]

R.S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 12 अप्रैल, 1994

(शुद्धि पत्र)

(आयकर)

का.आ. 1230.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अपनी अधिसूचना सं. 9461 (फा.सं. 197/68/91-आयकर नि.-1) दिनांक 24/1/94 में, जिसमें "गौड़ सारस्वत ब्राह्मण मन्दिर न्यास, बंबई" को अधिसूचित किया गया है, निम्नलिखित संशोधन करती है:—

के स्थान पर :—गौड़ सारस्वत ब्राह्मण मन्दिर न्यास बंबई।

पढ़ें :—मन्दिर, धर्मार्थ संस्थाएं और बंबई के गौड़ सारस्वत ब्राह्मण समुदाय बंबई की निधियां।

[अधिसूचना सं. 9532 (फा.सं. 197/68/91-आयकर नि.-1)]

शरत चन्द्र, अवध सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 12th April, 1994

CORRIGENDUM

(INCOME-TAX)

S.O. 1230.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax

Act, 1961 (43 of 1961), the Central Government hereby makes the following modification in its Notification No. 9461 (F. No. 197/68/91-ITA-I) dated 24-1-1994 notifying "Gaud Saraswat Brahmins Temple Trust, Bombay".

For :—Gaud Saraswat Brahmins Temple Trust, Bombay.

Read :—The Temples, Charitable Institutions and Funds of the Gaud Saraswat Brahman Community of Bombay, Bombay.

[Notification No. 9532/F. No. 197/68/91-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 12 अप्रैल, 1994

शुद्धि पत्र

(आयकर)

का.आ. 1231.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अपनी अधिसूचना सं. 9462 (फा.सं. 197/68/91-आयकर नि.-1) दिनांक 24-1-94 में जिसमें "गौड़ सारस्वत ब्राह्मण मन्दिर न्यास, बंबई" को अधिसूचित किया गया है, निम्नलिखित संशोधन करती है।

के स्थान पर :—गौड़ सारस्वत ब्राह्मण मन्दिर न्यास, बंबई।

पढ़ें :—मन्दिर, धर्मार्थ संस्थाएं और बंबई के गौड़ सारस्वत ब्राह्मण समुदाय बंबई की निधियां।

[अधिसूचना सं. 9533/फा.सं. 197/68/91-आयकर नि.-1]

शरत चन्द्र, अवध सचिव

New Delhi, the 12th April, 1994

CORRIGENDUM

(INCOME-TAX)

S.O. 1231.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following modification in its Notification No. 9462 (F. No. 197/68/91-ITA-I) dated 24-1-94 notifying "Gaud Saraswat Brahmins Temple Trust, Bombay".

For :—Gaud Saraswat Brahmins Temple Trust, Bombay.

Read :—The Temples, Charitable Institutions and Funds of the Gaud Saraswat Brahman Community of Bombay, Bombay.

[Notification No. 9533/F. No. 197/68/91-ITA-I]

SHARAT CHANDRA, Under Secy.

(व्यय विभाग)

अधिसूचना

नई दिल्ली, 25 अप्रैल, 1994

का.आ. 1232.—राष्ट्रपति, भारत के संविधान के अनुच्छेद 77 के खंड (3) के अनुसरण में वित्तीय शक्तियों का प्रत्यायोजन नियम

1978 का और संशोधन करने के लिये निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम विनियम शक्तियों का प्रत्यायोजन (दूसरा संशोधन) नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. विनियम शक्तियों का प्रत्यायोजन नियम, 1978 की अनुसूची 5 के उपाबंध में क्रम संख्यांक 21(ख) के सामने,—

(1) स्तम्भ 3 में, “20,000” शंक के स्थान पर “40,000” शंक रखे जायेंगे,

(2) स्तम्भ 4 में,—

(क) पैरा 2 में : “50,000” शंक के स्थान पर “1,00,000” शंक रखे जायेंगे।

(ख) पैरा 3 में : 2,000 शंक के स्थान पर 4,000 शंक रखे जायेंगे।

(ग) पैरा 4 में, उप-पैरा, (क), उप-पैरा (ख) और उप-पैरा (ग) के स्थान पर निम्नलिखित उप-पैरे रखे जायेंगे, अर्थात् :—

(क) पांडिचेरी और दिल्ली 1,00,000 प्रति वर्ष किंतु लेखन राष्ट्रीय राजधानी राज्य सामग्री, नियंत्रक की सहमति क्षेत्र के प्रशासक के अध्यक्षीन पूरी शक्तियाँ

(ख) अन्य संघ राज्य क्षेत्रों के 40,000/- रु. प्रति वर्ष किंतु प्रशासक लेखन सामग्री नियंत्रक की सहमति के अध्यक्षीन पूरी शक्तियाँ।

टिप्पण : विनियम शक्तियों का प्रत्यायोजन नियम, 1978, अधिसूचना सं. का.आ. 2131, तारीख 22 जनवरी, 1978 द्वारा प्रकाशित किया गया था, तत्पश्चात् उक्त निम्नलिखित द्वारा संशोधन किया गया है :—

(1) अधिसूचना सं. का.आ. 1887, तारीख 9-6-1979

(2) अधिसूचना सं. का.आ. 2942, तारीख 1-9-1979

(3) अधिसूचना सं. का.आ. 2611, तारीख 4-10-1980

(4) अधिसूचना सं. का.आ. 2164, तारीख 15-8-1981

(5) अधिसूचना सं. का.आ. 2304, तारीख 5-9-1981

(6) अधिसूचना सं. का.आ. 3073, तारीख 4-9-1982

(7) अधिसूचना सं. का.आ. 4171, तारीख 11-12-1982

(8) अधिसूचना सं. का.आ. 1314, तारीख 26-2-1983

(9) अधिसूचना सं. का.आ. 2502, तारीख 4-8-1984

(10) अधिसूचना सं. का.आ. 22, तारीख 5-1-1985

(11) शुद्धिपत्र सं. का.आ. 1958, तारीख 11-5-1985

(12) अधिसूचना सं. का.आ. 3082, तारीख 6-7-1985

(13) अधिसूचना सं. का.आ. 3974, तारीख 24-8-1985

(14) अधिसूचना सं. का.आ. 5641, तारीख 21-12-1985

(15) अधिसूचना सं. का.आ. 1548, तारीख 19-4-1986

(16) अधिसूचना सं. का.आ. 3183, तारीख 20-9-1986

(17) अधिसूचना सं. का.आ. 3787, तारीख 8-11-1986

(18) अधिसूचना सं. का.आ. 2508, तारीख 19-9-1987

(19) अधिसूचना सं. का.आ. 3092, तारीख 7-11-1987

(20) अधिसूचना सं. का.आ. 3581, तारीख 10-12-1988

(21) अधिसूचना सं. का.आ. 641, तारीख 17-3-1990

(22) अधिसूचना सं. का.आ. 1469, तारीख 26-5-1990

(23) अधिसूचना सं. का.आ. 2173, तारीख 18-8-1990

(24) अधिसूचना सं. का.आ. 3033, तारीख 17-11-1990

(25) अधिसूचना सं. का.आ. 3414, तारीख 22-12-1990

(26) अधिसूचना सं. का.आ. 534, तारीख 23-2-1991

(27) अधिसूचना सं. का.आ. 2235, तारीख 24-8-1991

(28) अधिसूचना सं. का.आ. 547(अ) तारीख 24-7-1993

(29) अधिसूचना सं. का.आ. 466, तारीख 13-3-1993

(30) अधिसूचना सं. का.आ. 1292, तारीख 12-6-1993

(31) अधिसूचना सं. का.आ. 685, तारीख 12-3-1994

[का.सं. -1(9)-ई-(2)ए/93]

अनुराधा प्रसाद, अवर सचिव

(Department of Expenditure)

New Delhi, the 25th April, 1994

S.O. 1232.—In pursuance of clause (3) of article 77 of the Constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely:—

1. (1) These rules may be called the Delegation of Financial Powers (Second Amendment) Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule V to the Delegation of Financial Powers Rules, 1978, in the Annexure, against serial number 21 (B).—

- (i) in column 3, for the figures “20,000”, the figures “40,000” shall be substituted;
- (ii) in column 4, —
- (a) in paragraph (2), for the figures “50,000”, the figures “1,00,000” shall be substituted;
- (b) in paragraph (3), for the figures “2000”, the figures “4,000” shall be substituted;

(c) in paragraph (4), for sub-paragraphs (a), (b) and (c), the following paragraphs shall be substituted namely, —

- “(a) Administrators of Pondicherry and National Capital Territory of Delhi. Rs. 1,00,000 per annum but full powers subject to the concurrence of the Controller of Stationery.
- (b) Administrators of other Union Territories. Rs. 40,000 per annum but full powers subject to the concurrence of the Controller of Stationery.”

Note.—The Delegation of Financial Powers Rules, 1978 published vide Notification No. S.O. 2131, dated 22nd July, 1978 have subsequently been amended by :—

(i)	Notification	No. S.O. 1887,	dated 9-6-1979
(ii)	..	No. S.O. 2942,	dated 1-9-1979
(iii)	..	No. S.O. 2611,	dated 4-10-1980
(iv)	..	No. S.O. 2164,	dated 15-8-1981
(v)	..	No. S.O. 2304,	dated 5-9-1981
(vi)	..	No. S.O. 3073,	dated 4-9-1982
(vii)	..	No. S.O. 4171,	dated 11-12-1982
(viii)	..	No. S.O. 1314	dated 26-2-1983
(ix)	..	No. S.O. 2502,	dated 4-8-1984
(x)	..	No. S.O. 22,	dated 5-1-1985
(xi)	Corrigendum	No. S.O. 1958,	dated 11-5-1985
(xii)	Notification	No. S.O. 3082,	dated 6-7-1985
(xiii)	..	No. S.O. 3974,	dated 24-8-1985
(xiv)	..	No. S.O. 5641,	dated 21-12-1985
(xv)	..	No. S.O. 1548,	dated 19-4-1986
(xvi)	..	No. S.O. 3183,	dated 20-9-1986
(xvii)	..	No. S.O. 3787,	dated 8-11-1986
(xviii)	..	No. S.O. 2508,	dated 19-9-1987
(xix)	..	No. S.O. 3092,	dated 7-11-1987
(xx)	..	No. S.O. 3581,	dated 10-12-1988
(xxi)	..	No. S.O. 641,	dated 17-3-1990
(xxii)	..	No. S.O. 1469,	dated 26-5-1990
(xxiii)	..	No. S.O. 2173,	dated 18-8-1990
(xxiv)	..	No. S.O. 3033,	dated 17-11-1990
(xxv)	..	No. S.O. 3414,	dated 22-12-1990
(xxvi)	..	No. S.O. 534,	dated 23-2-1990
(xxvii)	..	No. S.O. 2235,	dated 24-8-1991
(xxviii)	..	No. S.O. 547 (E),	dated 24-7-1992
(xxix)	..	No. S.O. 466,	dated 13-3-1993
(xxx)	..	No. S.O. 1292,	dated 12-6-1993
(xxxi)	..	No. S.O. 685,	dated 12-3-1994,

[P. No. 1(9)-F-II(A)/93]

ANURADHA PRASAD, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 28 अप्रैल, 1994

का.आ. 1233—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से मशकत किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/48/93-सी.शु.-8 दिनांक 17-5-1993 को यह निदेश जारी किया था कि श्री उम्मेर इब्राहिम उर्फ मोहम्मद सरीफ हमन तोताथिल मकान नं. 472 डाकखाना मादापल्ली कालेज, बादागारा जिला कालीकट, केरला, (2) मार्फत श्रीमति बी. शारिफा उम्मेर पुथूर काथ पाराम्बल हाउस (पी.के.पी. हाउस) डाकखाना नेल्लूर तेल्लिचेरि को निरुद्ध कर लिया जाये और केन्द्रीय कारागार त्रिवेन्द्रम में अभिरक्षा में रखा जाये ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिये हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक केरल, त्रिवेन्द्रम, के समक्ष हाजिर हों।

[फा.सं. 673/48/94-सी.शु.-8]

जमना दास, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 28th April, 1994

S.O. 1233.-Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order J. No. 673/48/94-Cus. VIII dated 17-5-93 under the said sub-section directing that Shri Ummer Ibrahim @ Mohamed Sharif Hasan, Tottathil House No. 472, P.O. Madapalli College, Vadagara Distt., Calicut, Kerala State, (2) C/o Smt. B. Shareela Ummer, Puthur Kuvu Parambil House (P.K.P. House), Nellur-P.O. Tellicherry be detained and kept in custody in the Central Prison, Trivendrum with a view to preventing him from indulging in activities prejudicial to the augmentation of Foreign Exchange resources in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Dir. Gen. of Police, Kerala, Trivendrum within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/48/94 CUS.VIII]

JAMNA DAS, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 29 अप्रैल, 1994

का. आ. 1234—आयकर अधिनियम, 1961 की धारा 36 की उपधारा (1) के खण्ड (viii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मैसर्स रिस्क कैपिटल एण्ड टेक्नालोजी फाइनेंस कारपोरेशन लि., स्वोप काम्प्लेक्स कोर-V, लोदी रोड, पोस्ट बॉक्स नं. 3091, नई दिल्ली-110003 का कर-निर्धारण वर्ष 1993-94, 1994-95 और 1995-96 के लिये उक्त खण्ड के प्रयोजनार्थ एक कम्पनी के रूप में अनुमोदित करती है।

2. यह अनुमोदन इस शर्त पर किया जाता है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1) (viii) के प्रावधानों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 9538/फा.सं. 204/16/93-आयकर नि.-II]

अजय कुमार, अवर सचिव (आयकर नि.-2)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 29th April, 1994

S.O. 1234.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income-tax Act, 1961, the Central Government hereby approves M/s. Risk Capital and Technology Finance Corporation Ltd., Scope Complex Core-V, Lodi Road, Post Box No. 3091, New Delhi-110003 as a company for the purpose of said clause for assessment years 1993-94, 1994-95 and 1995-96.

2. The approval is subject to the condition that the company will conform to and comply with the provisions under section 36(1)(viii) of Income-tax Act, 1961.

[Notification No. 9538/F. No. 204/16/93-ITA.II]

AJAY KUMAR, Under Secy. (ITA-II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 3 मई, 1994

का.आ. 1235—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा 2 के प्रावधान यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर 15 मार्च, 1996 की अवधि तक उस सीमा तक लागू नहीं होंगे, जहां तक कि उनका संबंधी गिरवीदार के रूप में मैसर्स स्टेलिंग फर्निचर प्रोडक्ट्स कम्पनी (प्री) लिमिटेड की 30 प्रतिशत में अधिक की प्रदत्त शेयर पूंजी की उसकी धारिता से है।

[सं. 15/13/87-जी.ओ.-III]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 3rd May, 1994

S.O. 1235.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section 2 of Section 19 of the said Act shall not apply to United Bank of India, Calcutta for a period upto 15th March, 1996 in so far as they relate to its holding of the shares of M/s. Sterling Pharmaceutical Products Co. (P) Ltd. in excess of 30 per cent of the paid-up share capital of the company as pledgee

[No. 15/13/87-B.O.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 3 मई, 1994

का.शा. 1236.—भारतीय स्टेट बैंक द्वारा कृष्णाराम बलदेव बैंक लिमिटेड के कारखाने के अधिग्रहण से संबंधित दिनांक 22-2-1974 को केन्द्रीय सरकार द्वारा जारी किये गये आदेश की शर्तों तथा निबंधनों की धारा 5(iv) तथा भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) के खण्ड 35 के उपखण्ड (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा कृष्णाराम बलदेव बैंक लिमिटेड की वसूल न की गई परिसम्पत्तियों के अन्तिम मूल्यांकन की समय सीमा को 19 अप्रैल, 1994 से 18 अप्रैल, 1995 (दोनों दिव शामिल हैं) तक की एक वर्ष की अवधि के लिये और बढ़ाती है।

[संख्या 15/6/87-बी.ओ.-III]

के.के. मंगल, अवर सचिव

New Delhi, the 3rd May, 1994

S.O. 1236.—In pursuance of clause 5(iv) of the Terms and Conditions sanctioned by the Central Government under an order dated the 22nd February, 1974 relating to the acquisition by the State Bank of India of the business of Krishnaram Baldeo Bank Ltd., and in exercise of the powers conferred by sub-section (7) of Section 35 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby extends the time limit for final valuation of the unrealised assets of the Krishnaram Baldeo Bank Ltd., for a further period of one year from 19th April, 1994 to the 18th April, 1995 both days inclusive.

[No. 15/6/87-B.O.III]

K. K. MANGAL, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 9 मई, 1994

का.शा. 1237.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अन्वीन आदेश का सं. 673/4/91-सी.शु.-8 दिनांक 2-2-94 को यह निदेश जारी किया था कि श्री मजदूर अन्वीन, पुत्र श्री कामा अन्वीन, निवास-के-6, माउथ एक्सटेंशन, नई दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये ताकि

उसे भविष्य में उसे गान की तस्करी का दुष्प्रेरण करने से रोका जाये।

2 केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के समक्ष हाजिर हो।

[का.सं. 673/4/94-सी.शु.-8]

जे.एल. साहनी, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 9th May, 1994

S.O. 1237.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Preventing of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/4/94-CUS.VIII dated 2-2-1994 under the said sub-section directing that Shri Mazahir Abbas, K-6, South Extn., Part-II, New Delhi, be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from abetting the Smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/4/94-CUS.VIII]

J. I. SAWHNEY, Under Secy.

आदेश

नई दिल्ली, 10 मई, 1994

का.आ. 1238.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्वीन विशेष रूप में सशक्त किया गया है, उक्त उपधारा के अन्वीन आदेश का सं. 673/132/93-सी.शु.-8 दिनांक 22-12-93 को यह निदेश जारी किया था कि श्री नरेन्द्र मिश्र उर्फ राज, फ्लैट नं. 3, भवन, बन्दना अपार्टमेंट, ग्रेप पंजाब सोसाइटी, 253, महाकावी गुफा रोड, अन्वीन (पूर्व) बम्बई का निरुद्ध कर लिया जाए और केन्द्रीय कारागार बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/132/93-सी. शृ.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 10th May, 1994

S.O. 1238.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/132/93-Cus.VIII dated 22-12-93 under the said sub-section directing that Shri Narendra Singh @ Raju, Flat No. 3, Ground Floor, Vandana Apartments, Shree-Punjab Society, 253, Mahakali Caves Road, Andheri (East), Bombay be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from indulging in activities prejudicial to the Conservation of Foreign Exchange resources in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.
[F. No. 673/132/93-CUS.VIII]
ROOP CHAND, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 12 अप्रैल, 1994

का. प्रा. 1239.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास वितयनाम में सहायक श्री एस. एल. वर्मा को 25-1-94 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/94]

ओस्कर केरकेट्टा, अवर सचिव (कौंसली)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 12th April, 1994

S.O. 1239.—In pursuance of the Clause (A) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. L. Verma, Assistant, in the Embassy of India Vientiane to perform duties of Consular Agent with effect from 25-1-1994.

[No. T-4330/1/94]

OSCAR KERKETTA, Under Secy. (Cons.)

नई दिल्ली, 12 अप्रैल, 1994

का. प्रा. 1240.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास रियाध में सहायक श्री के. मेथू को 25-1-94 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/94]

ओस्कर केरकेट्टा, अवर सचिव (कौंसली)

New Delhi, the 12th April, 1994

S.O. 1240.—In pursuance of the Clause (A) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Kurian Mathew, Assistant, in the Embassy of India, Riyadh to perform the duties of Consular Agent with effect from 25-1-94.

[No. T-4330/1/94]

OSCAR KERKETTA, Under Secy. (Cons.)

नई दिल्ली, 12 अप्रैल, 1994

का. प्रा. 1241.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास बगदाद में सहायक श्री विजय ठुकराल को 25-1-94 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/94]

ओस्कर केरकेट्टा, अवर सचिव (कौंसली)

New Delhi, the 12th April, 1994

S.O. 1241.—In pursuance of the Clause (A) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948) the Central Government hereby authorises Shri Vijay Thukral, Assistant in the Embassy of India, Baghdad to perform the duties of Consular Agent with effect from 25-1-1994.

[No. T-4330/1/94]

OSCAR KERKETTA, Under Secy.

नई दिल्ली, 12 अप्रैल, 1994

का. प्रा. 1242.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास मेक्सिको में सहायक श्री जी. एन. गोर्डरोल्फ को 25-1-94 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/94]

ओस्कर केरकेट्टा, अवर सचिव (कौंसली)

New Delhi, the 12th April, 1994

S.O. 1242.—In pursuance of the Clause (A) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri G. N. Gairola, Assistant, in the Embassy of India, Mexico to perform the duties of Consular Agent with effect from 25-1-1994.

[No. T-4330/1/94]
OSCAR KERKETTA, Under Secy.

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1243.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1998 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का वृत्तावास मेड्रिड में सहायक श्री वी. मोनी को 18-1-94 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/94]

ओस्कर केरकेट्टा, अवर सचिव (कौंसली)

New Delhi, the 12th April, 1994

S.O. 1243.—In pursuance of the Clause (A) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri V. Monti, Assistant, in the Embassy of India, Madrid to perform the duties of Consular Agent with effect from 18-1-1994.

[No. T-4330/1/94]

OSCAR KERKETTA, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 5 मई, 1994

का. आ. 1244.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, वाणिज्य मंत्रालय की क्रमशः अधिसूचना सं. का. आ. 3975 तारीख 20-12-1965 तथा सं. का. आ. 3978 तारीख 20-12-1965 से संलग्न अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क (ग्रुप I तथा II) का मद्रास में निर्यात से पूर्व निरीक्षण करने के लिए एम. एल. एम. बिल्डिंग, 5, बालासा रोड, मद्रास-600002 पर स्थित मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. को 18-5-94 से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

- (i) मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क (ग्रुप-I तथा II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।

- (ii) मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आवद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5/9/94 ई आई एंड ई पी]

कुमारी सुमा सुब्बान्णा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 5th May, 1994

S.O. 1244.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 18th May, Nineteen hundred ninety four, M/s. J. B. Boda Surveyors Pvt. Ltd. located at M.L.M. Building, 5, Wallajah Road, Madras-600 002, as an agency for the inspection of Minerals and Ores (Group I & II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965 and No. S.O. 3978 dated 20-12-1965 respectively prior to export at Madras, subject to the following conditions, namely:—

- (i) that M/s. J.B. Boda Surveyors Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ores (Group I & II) (Inspection) Rules, 1965,
- (ii) that M/s. J.B. Boda Surveyors Pvt. Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

[F. No. 5/9/94-FI&EP]

KUM. SUMA SUBBANNA, Director

कृषि मंत्रालय

(पशु पालन और डेरी विभाग)

नई दिल्ली, 4 मई, 1994

का. आ. 1245.—भारतीय पशु चिकित्सा परिषद अधिनियम, 1984 (1984 का 52) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा इस अधिसूचना को सरकारी राजपत्र में प्रकाशित करने की वह तारीख निर्धारित करती है जिस दिन उक्त अधिनियम के प्रावधान पश्चिम बंगाल और पंजाब राज्यों में प्रभावी होंगे।

[संख्या 51-12/90-एल. डी. टी. (वी. सी.)]

आर. कण्डोर, अवर सचिव

पाद टिप्पण:—यह अधिनियम, हरियाणा, बिहार, उड़ीसा, हिमाचल प्रदेश तथा राजस्थान राज्यों और दिल्ली, अण्डमान तथा निकोबार द्वीप समूह, लक्षद्वीप, दादर तथा नगर हवेली, गोवा, दमण तथा दीव, पाण्डिचेरी, चण्डीगढ़ मिजोरम तथा अरुणाचल प्रदेश संघ शासित क्षेत्रों में दिनांक 13 जुलाई, 1985 के का. आ. संख्या 3248 के द्वारा, मध्य प्रदेश तथा

केरल राज्यों में 27 दिसम्बर, 1986 के का. आ. संख्या 4268 के द्वारा, मणिपुर तथा सिक्किम में 31 जनवरी, 1987 के का. आ. संख्या 283 के द्वारा, उत्तर प्रदेश राज्य में 22 अक्तूबर, 1988 को का. आ. संख्या 3121 के द्वारा, असम राज्य में 16 जून, 1990 के का. आ. संख्या 1680 के द्वारा और नागालैंड राज्य में 5 सितम्बर, 1992 के का. आ. संख्या 2332 के द्वारा प्रभावी हुआ था।

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry & Dairying)

New Delhi, the 4th May, 1994

S.O. 1245.—In exercise of the powers conferred by sub-section (3) of section 1 of the Indian Veterinary Council Act, 1984 (52 of 1984) the Central Government hereby appoints the date of publication of this notification in the Official Gazette as the date on which the provisions of the said Act shall come into force in the States of West Bengal and Punjab.

[No. 51-12/90-LDT(VC)]

R. KANDIR, Under Secy.

Foot Note : The Act was brought into force in the States of Haryana, Bihar, Orissa, Himachal Pradesh and Rajasthan and the Union Territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Goa, Daman and Diu, Pondicherry, Chandigarh, Mizoram and Arunachal Pradesh vide No. S.O. 3248, dated the 13th July, 1985, in the States of Madhya Pradesh and Kerala vide No. S.O. 4268 dated the 27th December, 1986, in the States of Manipur and Sikkim vide No. S.O. 283, dated the 31st January, 1987, in the State of Uttar Pradesh vide No. S.O. 3121, dated the 22nd October, 1988, in the State of Assam vide No. S.O. 1680 dated the 16th June, 1990 and in the State of Nagaland vide No. S.O. 2332, dated the 5th September, 1992.

नई दिल्ली, 10 मई, 1994

का. आ. 1246.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1965 के नियम 12 के उपनियम (2) के उपबंध (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के कृषि और सिंचाई मंत्रालय (कृषि और सहकारिता विभाग) की दिनांक 27 मार्च, 1980 की का. आ. अधिसूचना संख्या 1036 और तत्कालीन कृषि और सहकारिता विभाग की 18 जनवरी, 1982 की का. आ. संख्या 314 का अधिसूचना करते हुए एतद्वारा निर्देश देते हैं कि कृषि मंत्रालय, पशु पालन और डेरी विभाग के अधीन दिल्ली दुग्ध योजना सामान्य केन्द्रीय सेवा के समूह "ग" तथा समूह "घ" पदों के लिए उक्त नियम की धारा 12 के प्रयोजनों के लिए दिल्ली दुग्ध योजना के विशेष प्रभारी कार्य अधिकारी सक्षम प्राधिकारी होंगे।

[फाइल सं. 5-15/92/एल. डी. 1]

एल. सी. मेहरा, अवसर सचिव

New Delhi, the 10th May, 1994

S.O. 1246.—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 and in supersession of the Government of India in the Ministry of Agriculture and Irrigation (Department of Agriculture and Cooperation) notification No. S.O. 1036, dated the 27th March, 1980 and the then Department of Agriculture and Cooperation No. S.O. 314, dated the 18th January, 1982, the President hereby directs that in the Ministry of Agriculture, Department of Animal Husbandry and Dairy, Delhi Milk Scheme for all posts in the General Central Services, Group 'C' and Group 'D', the Officer on Special Duty, In-charge (Delhi Milk Scheme) shall be the competent authority for the purpose of said rule 12.

[F. No. 5-15/92-L.D.I]

L. C. MAHARRA, Under Secy.

(कृषि अनुसंधान और शिक्षा विभाग)

(भारतीय कृषि अनुसंधान परिषद)

नई दिल्ली, 28 अप्रैल, 1994

शुद्धि पत्र

का. आ. 1247.—कृपया कृषि अनुसंधान और शिक्षा विभाग के पत्र सं. 6(1)/93-सी. एम. सी. दिनांक 25 मार्च, 1994 के संदर्भ में प्रथम पैराग्राफ को चौथी पंक्ति

"इस निकाय द्वारा 28-6-1994 से एक वर्ष की नई अवधि के लिए स्थायी वित्त समिति के सदस्य के रूप में निर्वाचित किया गया है" के स्थान पर

"इस निकाय द्वारा 28-6-1994 तक एक वर्ष की अवधि हुई अवधि के लिए स्थायी वित्त समिति के सदस्य के रूप में निर्वाचित किया गया है" पढ़ा जाए।

1. डा. बी. जानप्रकाश

कुलपति,
तमिलनाडु पशु चिकित्सा और कृषि विश्वविद्यालय,
मद्रास

2. डा. पी. एम. लाम्बा

भूतपूर्व कुलपति,
51, डिफेंस कालोनी,
हिंमार-125001 (हरियाणा)

[फा. सं. 6(1)/93-सी. एम. सी.]

आर. सी. महेश्वरी, सहायक महानिदेशक
(सी. एस. सी.)

कोयला मंत्रालय

नई दिल्ली, 4 अप्रैल, 1994

का.आ. 1248.—केंद्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 22) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 7 की उपधारा (i) के अधीन जारी की गई और भारत के राजपत्र असाधारण भाग 2, खंड 3, उपखंड (ii) तारीख 2 नवम्बर, 1992 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 813 (अ) तारीख 2 नवम्बर, 1992 द्वारा उक्त सूचना से उदात्त अनुसूची में विनिर्दिष्ट भूमि और परिक्षेत्र में अधिकारों का अर्जन करने के अपने आणव का सूचना दी थी ;

और मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसर्गण में केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केंद्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के यह समाधान हो गया है कि—

- (क) इससे संलग्न अनुसूची "क" में वर्णित 108.219 हैक्टर (लगभग) या 267.409 एकड़ (लगभग) माप वाली भूमि ; और
- (ख) इससे संलग्न अनुसूची "ख" में वर्णित 352.240 हैक्टर (लगभग) या 870.385 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन खदान बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन किया जाता चाहिए ।

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि—

- (क) उक्त अनुसूची "क" में वर्णित 108.219 हैक्टर (लगभग) या 267.409 एकड़ (लगभग) माप वाली भूमि ; और
- (ख) उक्त अनुसूची "ख" में वर्णित 352.240 हैक्टर (लगभग) या 870.385 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के सं. रेखांक एच.ई.सी.एल./बी.एम.पी./जी.एम. (पी.एल.जी.)/नैड/120 तारीख 22 मार्च, 1993 का निरीक्षण कलक्टर सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या माउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) सीपत मार्ग, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है ।

अनुसूची "क"

महामाया परियोजना

बिसरामपुर क्षेत्र

जिला; सरगुजा (मध्य प्रदेश)

सभी अधिकार

क्रम सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	कापसरा	15	सूरजपुर	सरगुजा	108.219	108.219 भाग
				कुल	108.219 हैक्टर (लगभग)	
					या	
					267.409 एकड़ (लगभग)	

1. ग्राम कापसरा (भाग) में अर्जित किए गए प्लॉट संख्यांक

110 (भाग)	242 (भाग)	259 (भाग)	427 से 429
124 (भाग)	243 (भाग)	260 से 281	430 (भाग)
125 (भाग)	244 (भाग)	282 (भाग)	431 (भाग)
127 (भाग)	246 (भाग)	283 से 301	432 से 445
128 (भाग)	247 (भाग)	302 (भाग)	446 से 471
129 (भाग)	251 (भाग)	303 (भाग)	472 (भाग)
130	254 (भाग)	304 (भाग)	473 से 484
131 (भाग)	225 (भाग)	305 से 310	485 (भाग)
132 (भाग)	256 (भाग)	311 (भाग)	486 (भाग)
133 (भाग)	257 (भाग)	425 (भाग)	690 (भाग)
137 (भाग)	258 (भाग)	426 (भाग)	691
692 (भाग)	695 (भाग)	714 (भाग)	728 (भाग)
693	696 से 704	719	
694	713	720	

सीमा वर्णन

क-ख	रेखा ग्राम कापसरा में बिन्दु "क" से आरम्भ होती है और प्लॉट संख्यांक 242, 259, 137, 728, 133, 132, 131, 110, 128, 129, 127, 125, 302, 304, 311, 426, 425 से होकर जाती है। और सभी अधिकारों और खनन अधिकारों की सम्मिलित सीमा पर बिन्दु "ख" पर मिलती है।
ख-झ-ज	रेखा कापसरा में प्लॉट संख्यांक 425, 430, 431, 486, 485, 472, 695, 690, 692 से होकर जाती है उसके बाद सड़क की पश्चिमी सीमा के साथ-साथ जाती है और बिन्दु "ज" पर मिलती है।
ज-छ	रेखा कापसरा जरही कापसरा-बरोधी ग्रामों की सम्मिलित सीमाओं के साथ-पाथ जाती है और बिन्दु "छ" पर मिलती है।
छ-क	रेखा ग्राम कापसरा में प्लॉट संख्यांक 282, 255, 251, 256, 254, 256, 247, 257, 258, 246, 244, 243, 242, से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

अनुसूची "ख"

महामाया परियोजना

विमरामपुर क्षेत्र

जिला-सरगुजा (मध्य प्रदेश)

खनन अधिकार

क्रम सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	कापसरा	15	सूरजपुर	सूरजपुर	12.975	भाग
2.	बरोधी	16	सूरजपुर	सूरजपुर	092.659	भाग
3.	जरही	20	प्रतापपुर	सरगुजा	087.484	भाग
4.	सेन्वोपारा	21	प्रतापपुर	सरगुजा	058.542	भाग
5.	बुरटी	22	प्रतापपुर	सरगुजा	000.580	भाग
				कुल	352.240 हैक्टर (लगभग)	
					या	
					870.385 एकड़ (लगभग)	

ग्राम कापमरा (भाग) में अर्जित किए गए प्लॉट संख्यांक

407 (भाग),		431 (भाग),	488,
408 (भाग),		459 (भाग),	489 से 497
409 (भाग),	421 (भाग),	472 (भाग),	498 (भाग)
410,	422 (भाग),	485 (भाग),	500,
411 (भाग),	425 (भाग),	486 (भाग),	501 से 522,
418 (भाग),	430 (भाग),	487,	523 (भाग),
524 (भाग),	596 से 598	680 से 689,	706 (भाग),
525 (भाग),	599 (भाग),	690 (भाग),	707 (भाग),
593 (भाग),	600 (भाग),	692 (भाग),	708 से 710
594 (भाग),	601 (भाग),	695 (भाग),	711 (भाग),
595 (भाग),	692 से 679,	705	712 (भाग),

ग्राम बरौघी (भाग) में अर्जित किए गए प्लॉट संख्यांक

2/1 (भाग),	81 से 97,	276 (भाग),	303 (भाग),
3 (भाग),	98 (भाग),	277 से 279,	304 (भाग),
4 (भाग),	99 (भाग),	280 (भाग),	306 (भाग),
5 (भाग),	106 (भाग),	282 (भाग),	314 (भाग),
6 (भाग),	150 (भाग),	283 से 286	419 से 425,
7 (भाग),	151 से 187,	287 (भाग),	429 से 441
8 (भाग)	188 (भाग),	289,	442 (भाग),
9 (भाग),	193 (भाग),	290 (भाग),	444,
10 (भाग),	216 (भाग),	291 (भाग),	475,
11 (भाग),	255 (भाग),	292 से 296,	
12 में 79,	256 (भाग),	297 (भाग),	
80 (भाग),	257 से 275,	301 (भाग),	

ग्राम ज़रही (भाग) में अर्जित किए गए प्लॉट संख्यांक

1 से 7,	18 (भाग),	38 से 40,	48 (भाग),
8 (भाग),	19,	41 (भाग),	54 (भाग),
9 (भाग),	20 (भाग),	42 (भाग),	55 (भाग),
10 (भाग),	21 (भाग),	43 से 45,	56 (भाग),
11 (भाग),	22 से 36	46 (भाग),	57 से 86,
12 से 17	37 (भाग),	47,	87 (भाग),
88 (भाग),	100 (भाग),	125 (भाग),	975,
89 (भाग),	101 (भाग),	130 (भाग),	981,
91 (भाग),	102 से 116	136 (भाग),	982,
92,	117 (भाग),	137,	990,
93 (भाग),	118 से 121,	138 (भाग),	991,
94,	122 (भाग),	139 (भाग),	992,
95 (भाग),	123,	150 (भाग),	993 (भाग),
97 (भाग),	124 (भाग),	160 (भाग),	995 (भाग),

ग्राम सेन्दोपारा (भाग) में वर्णित किए गए प्लॉट संख्यांक

	36 (भाग),	84 (भाग),	131 से 138,
2 (भाग),	37 (भाग),	85 (भाग),	139 (भाग),
3 से 24	38,	86 से 109,	140 से 143,
25 (भाग),	39 (भाग)	110 (भाग),	144 (भाग),
26 (भाग)	40 से 44	111 से 126	146 (भाग),
28 (भाग),	46,	128 (भाग),	148 (भाग),
29 (भाग),	47 (भाग),	129 (भाग),	178,
30 (भाग),	82 (भाग),	130 (भाग),	

ग्राम डुरटी (भाग) में अर्जित किए गए प्लॉट संख्यांक
 569 (भाग) 568 (भाग)
 सीमा वर्णन

ख-ख-ज	रेखा, ग्राम कापसरा में बिन्दु "ख" से आरम्भ होती है और सभी अधिकार खनन अधिकार में अर्जित सम्मिलित सीमा क्षेत्र के साथ-साथ जाती है और बिन्दु "ज" पर मिलती है।
ज-छ	रेखा सभी अधिकार खनन अधिकार में अर्जित सम्मिलित सीमा क्षेत्र के साथ-साथ जाती है और बिन्दु "छ" पर मिलती है।
छ-च	रेखा, ग्राम बरोधी में प्लॉट संख्यांक 2/1, 3, 4, 5, 6, 7, 8, 9, 11, 10, 11, 2/1, 287, 291, 297, 301 से होकर जाती है और बिन्दु "च" पर मिलती है।
च-ङ	रेखा, ग्राम बरोधी में प्लॉट संख्यांक 301, 306, 304, 303, 282, 280, 276, 280, 314, 255, 256, 216, 106, 80, 99, 98, 150, 188, 195, 402 से होकर जाती है, उसके पश्चात ग्राम जरही में प्रवेश करती है और प्लॉट संख्यांक 995, 993, 8, 9, 10, 11, 18, 20, 21, 88, 87, 89, 91, 93, 95, 97, 100, 101, 125, 124, 122, 130, 136, से होकर जाती है और बिन्दु "ङ" पर मिलती है।
ङ-ध	रेखा, ग्राम जरही में प्लॉट संख्यांक 136, 139, 138, 150, 117, 56, 55, 54, 48, 46, 42, 41, 160, 37, से होकर जाती है उसके पश्चात ग्राम डुरटी में प्लॉट सं. 569, 568 से होकर प्रवेश करती है उसके पश्चात ग्राम कापसरा में आगे जाकर संख्यांक 706, 707, 711, 712, 711 से होकर जाती है, फिर ग्राम सेन्दोपारा में प्लॉट संख्यांक 128, 127, 130, 129, 148, 147, 146, 139, 144, 110, 84, 85, 82, 47, 46, 45, 37, 39, 37, 36, 30, 29 से होकर प्रवेश करती है और बिन्दु "ध" पर मिलती है।
ध-श-ख	रेखा ग्राम, सेन्दोपारा में प्लॉट संख्यांक 29, 28, 27, 26, 25, 82, 1, 2 से होकर जाती है उसके पश्चात ग्राम कापसरा में प्रवेश करती है और प्लॉट संख्यांक 595, 594, 593, 599, 593, 600, 601, 523, 524, 525, 459, 498, 409, 408, 407, 411, 418, 421, 422, 425 से होकर जाती है और आरंभिक बिन्दु "ख" पर मिलती है।

[फा.सं. 43015/14/90-मल.एम. डब्ल्यू.]
 बी.बी. राव, अधीक्षक सचिव

MINISTRY OF COAL

New Delhi, the 4th April, 1994

S.O. 1248:—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 813 (E) dated the 2nd November, 1992, under Sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957), (hereinafter referred to as the said Act), and published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), dated the 2nd November, 1992

the Central Government gave notice of its intention to acquire the lands and rights in the locality specified in the Schedule annexed to that notification;

And whereas the Competent Authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Madhya Pradesh is satisfied that

(a) the lands measuring 108.219 hectares (approximately) or 267.409 acres (approximately) described in Schedule 'A' appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 352.24 hectares (approximately) or 870.385 acres (approximately) described in Schedule 'B' appended hereto;

should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that—

(a) the lands measuring 108.219 hectares (approximately) or 267.409 acres (approximately) describe in the said Schedule 'A'; and

(b) the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 352.24 hectares (approximately) or 870.385 acres (approximately) described in the said Schedule 'B', are hereby acquired.

The plan bearing No. SECL/BSP/G(PLG)/Land/120 dated 22nd March, 1993 of the area covered by this notification may be inspected in the office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section, Seepal Road, Bilaspur—495001 (Madhya Pradesh).

SCHEDULE 'A'
MAHAMAYA PROJECT
BISRAMPUR AREA
DISTRICT—SURGUJA (MADHYA PRADESH)

All Rights

Serial Number	Name of Village	Village Number	Tahsil	District	Area in Hectares	Remarks
1.	Kapsara	15	Surajpur	Surguja	108.219	Part
Total					108.219 hectares (approximately) or 267.409 acres (approximately)	

1. Plot numbers acquired in Village—Kapsara (Part):—

110 (Part),	247 (Part),	311 (Part),	693,
124 (Part),	251 (Part),	425 (Part),	694,
125 (Part),	254 (Part),	426 (Part),	695 (Part),
127 (Part),	255 (Part),	427 to 429,	696 to 704,
128 (Part),	256 (Part),	430 (Part),	713,
129 (Part),	257 (Part),	431 (Part),	715,
130,	258 (Part),	432 to 445,	719,
131 (Part),	259 (Part),	346 to 471,	720,
132 (Part),	260 to 281,	472 (Part),	728 (Part).
133 (Part),	282 (Part),	473 to 484,	
137 (Part),	283 to 301,	485 (Part),	
242 (Part),	302 (Part),	486 (Part),	
243 (Part),	303,	690 (Part),	
244 (Part),	304 (Part),	691,	
246 (Part),	305 to 310,	692 (Part),	

BOUNDARY DESCRIPTION :

A—B

Line starts from point 'A' in village Kapsara and passes through plot numbers 242, 259, 137, 728, 133, 132, 131, 110, 128, 129, 127, 125, 302, 304, 311, 426, 425 and meets on the common boundary of All Rights and Mining Rights at point 'B'.

B—I—H	Line passes in village Kapsara through plot numbers 425, 430, 431, 486, 485, 472, 695, 690, 692, then along the Western boundary of road and meets at point 'H'.
H—G	Line passes along the common boundaries of villages Kapsara-Jarhi, Kapsara-Barodhi and meets at point 'G'.
G—A	Line passes in village Kapsara through plot numbers 282, 255, 251, 256, 254, 256, 247, 257, 258, 246, 244, 243, 242 and meets at the starting point 'A'.

SCHEDULE 'B'
MAHAMAYA PROJECT
BISRAMPUR AREA
DISTRICT—SURGUJA (MADHYA PRADESH)

Mining Rights

Serial Number	Name of village	Village number	Tahsil	District	Area in hectares	Remarks
1.	Kapsara	15	Surajpur	Surguja	112.975	Part
2.	Barodhi	16	Surajpur	Surguja	092.659	Part
3.	Jarhi	20	Pratappur	Surguja	087.484	Part
4.	Sendhopara	21	Pratappur	Surguja	058.542	Part
5.	Durti	22	Pratappur	Surguja	000.580	Part
Total					352.24 hectares (approximately) or 870.385 acres (approximately)	

Plot numbers acquired in village Kapsara (Part) :—

407 (Part),	459 (Part),	524 (Part),	690 (Part),
408 (Part),	472 (Part),	525 (Part),	692 (Part),
409 (Part),	485 (Part),	593 (Part),	695 (Part),
410,	486 (Part),	594 (Part),	705,
411 (Part),	487,	595 (Part),	706 (Part),
418 (Part),	488,	596 to 598,	707 (Part),
421 (Part),	489 to 497,	599 (Part),	708 to 710,
422 (Part),	498 (Part),	600 (Part),	711 (Part),
425 (Part),	500,	601 (Part),	712 (Part).
430 (Part),	501 to 522,	602 to 679,	
431 (Part),	523 (Part),	680 to 689,	

Plot numbers acquired in village Barodhi (Part) :—

2/1 (Part),	81 to 97,	276 (Part),	303 (Part),
3 (Part),	98 (Part),	277 to 279,	304 (Part),
4 (Part),	99 (Part),	280 (Part),	306 (Part),
5 (Part),	106 (Part),	282 (Part),	314 (Part),
6 (Part),	150 (Part),	283 to 286,	419 to 425,
7 (Part),	151 to 187,	287 (Part),	429 to 441,
8 (Part),	188 (Part),	289,	442 (Part),
9 (Part),	195 (Part),	290,	444,
10 (Part),	216 (Part),	291 (Part),	445,
11 (Part),	255 (Part),	292 to 296,	475.
12 to 79,	256 (Part),	297 (Part),	
80 (Part),	257 to 275,	301 (Part),	

Plot numbers acquired in village Jarhi (Part) :—

1 to 7,	42 (Part),	93 (Part),	136 (Part),
8 (Part),	43 to 45,	94,	137,
9 (Part),	46 (Part),	95 (Part),	138 (Part),
10 (Part),	47,	97 (Part),	139 (Part),
11 (Part),	48 (Part),	100 (Part),	150 (Part),
12 to 17,	54 (Part),	101 (Part),	160 (Part),
18 (Part),	55 (Part),	102 to 116,	975,
19,	56 (Part),	117 (Part),	981,
20 (Part),	57 to 86,	118 to 121,	982,
21 (Part),	87 (Part),	122 (Part),	990,
22 to 36,	88 (Part),	123,	991,
37 (Part),	89 (Part),	124 (Part),	992,
38 to 40,	91 (Part),	125 (Part),	993 (Part),
41 (Part),	92,	130 (Part),	995 (Part),

Plot numbers acquired in village Sendhopara (Part) :—

1(Part),	36(Part),	84(Part),	131 to 138,
2(Part),	37(Part),	85(Part),	139(Part),
3 to 24,	38,	86 to 109,	140 to 143,
25(Part),	39(Part),	110(Part),	144(Part),
26(Part),	40 to 44,	111 to 126,	146(Part),
27(Part),	45(Part),	127(Part),	147(Part),
28(Part),	46,	128(Part),	148(Part),
29(Part),	47(Part),	129(Part),	178,
30(Part),	82(Part),	130(Part),	

Plot numbers acquired in village Durti (part) :

567(Part), 568(Part).

BOUNDARY DESCRIPTION :

B—I—H	Line starts from point 'B' in village Kapsara and passes along the common boundary area acquired in All Rights—Mining Rights and meets at Point 'H'.
H—G	Line passes along the common boundary area acquired in All Rights—Mining Rights and meets at point 'G'.
G—F	Line passes in village Barodhi through plot numbers 2/1, 3, 4, 5, 6, 7, 8, 9, 11, 10, 11, 2/1, 287, 291, 297, 301, and meets at point 'F'.
F—E	Line passes in village Barodhi through plot numbers 301, 306, 304, 303, 282, 280, 276, 280, 314, 255, 256, 216, 106, 80, 99, 98, 150, 188, 195, 442 then enter in village Jarhi and passes through plot numbers 995, 993, 8, 9, 10, 11, 18, 20, 21, 88, 87, 89, 91, 93, 95, 97, 100, 101, 125, 124, 122, 130, 136 and meets at point 'E'.
E—D	Line passes in village Jarhi through plot numbers 136, 139, 138, 150, 117, 56, 55, 54, 48, 46, 42, 41, 160, 37 then enter in village Durti through plot numbers 569, 568 then proceeds in village Kapsara passes through plot numbers 706, 707, 711, 712, 711 then enter in village Sendhopara through plot numbers, 128, 127, 128, 130, 129, 148, 147, 146, 139, 144, 110, 84, 85, 82, 47, 46, 45, 37, 39, 37, 36, 30, 29 and meets at point 'D'.
D—C—B	Line passes in village Sendhopara through plot numbers 29, 28, 27, 26, 25, 82, 1, 2, then enter in village Kapsara and passes through plot numbers 595, 594, 593, 599, 93, 600, 601, 523, 524, 525, 459, 498, 409, 408, 407, 411, 418, 421, 422, 425, and meets at the starting point 'B'.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 9 मई, 1994

का.या. 1249.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के निम्नलिखित स्वायत्त संगठन को जिसमें 90% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

श्री लाल बहादुर शास्त्री राष्ट्रीय संस्कृत विद्यापीठ

कटवारिया सराय,

नई दिल्ली-110016

[सं. 11011/2/92-रा.भा.ए.]

ओ.पी. चावला, निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)
New Delhi, the 9th May, 1994

S.O. 1249.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official purpose of the Union) Rules 1976, the Central Government hereby notifies the following Autonomous Organisation of the Ministry of Human Resource Development (Deptt. of Education) more than 90% Staff of which has acquired working knowledge of Hindi:—

Shri Lal Bahadur Shastri Rashtriya
Sanskrit Vidyapeeth,
Katwaria Sarai,
New Delhi-110016.

[No. 11011-2/92-O.L.U]
O. P. CHAWLA, Director (O.L.)

विद्युत मंत्रालय

नई दिल्ली, 15 अप्रैल, 1994

कां.या. 1250.—केन्द्रीय सरकार, भारतीय विद्युत नियम, 1956 के नियम 4क द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) तारीख 28 जुलाई, 1990 में प्रकाशित भारत सरकार के सफ़ाकालीन ऊर्जा मंत्रालय (विद्युत विभाग) की अधिसूचना सं. कां.या. 1954 तारीख 4-6-1990 को अधिकांश करने हुए केन्द्रीय विद्युत प्राधिकरण के निम्नलिखित अधिकारियों को भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा 36 के अधीन नियुक्त केन्द्रीय विद्युत निरीक्षक की सहायता करने के लिए अधिकारी नियुक्त करती है, अधिसूचित:—

क्रम सं.	अधिकारी का नाम	पदनाम
1	2	3
सर्वेक्षी		
1.	एम० शन्मुगम	प्रशिक्षण इंजीनियर
2.	एम० आर० नायर	प्रशिक्षण इंजीनियर
3.	सी० पी० अग्रवाल	उप निदेशक
4.	एस० के० पट्टनायक	उप निदेशक
5.	एम० रामलिंगम	उप निदेशक
6.	ए० के० बोशिन	उप निदेशक
7.	ए० के० भाटिया	सहायक निदेशक-I
8.	के. पी. बेरी	सहायक निदेशक-I
9.	एम० थोनिवासन	सहायक निदेशक-I
10.	एम० देसनाय	सहायक निदेशक-I

1	2	3
11.	त्रिजय श्रवत	सहायक निदेशक-II
12.	अश्व किशोर	सहायक निदेशक-II
13.	यशज्योति गुप्ता	सहायक निदेशक-II
14.	एम० निखा कुमार	सहायक निदेशक-II

[सं. 25/1/90 डी (एस० ई० सी०)]

ए० एच० अंग, सचिव

MINISTRY OF POWER

New Delhi, the 15th April, 1994

S.O. 1250.—In exercise of the powers conferred by Rule 4A of the Indian Electricity Rules, 1956 and in supersession of the Notification of the Government of India, in the then Ministry of Energy (Department of Power) No. S.O. 1954 dated 4-6-1990 published in the Gazette of India Part II, Section 3, sub-Section (ii) dated the 28th July, 1990 the Central Government hereby appoints the following officers of Central Electricity Authority to be the officers to assist the Central Electrical Inspector appointed under Section 36 of Indian Electricity Act, 1910 (9 of 1910) namely:—

Sl. No.	Name of the Officer	Designation
1	2	3
S/Shri		
1.	S. Shanmugham	Suptg. Engineer
2.	M.R. Nair	Suptg. Engineer
3.	C.P. Aggarwal	Deputy Director
4.	S.K. Pattanayak	Deputy Director
5.	N. Ramalingam	Deputy Director
6.	A.K. Dixit	Deputy Director
7.	A.K. Bhatia	Asstt. Director-I
8.	K.P. Berry	Asstt. Director-I
9.	S. Srinivasan	Asstt. Director-I

1	2	3
10.	M. Hembram	Asstt. Director-I
11.	Vijay Dhawan	Asstt. Director-II
12.	Jai Kishore	Asstt. Director-II
13.	R.P. Gupta	Asstt. Director-II
14.	M. Sivakumar	Asstt. Director-II

[File No. 25/1/90-D(SEB)]

A.H. JUNG, Jt. Secy.

नई दिल्ली, 15 अप्रैल, 1994

क्र.सं. 1251—केन्द्रीय सरकार, भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा 36 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग II, खंड 3, उपखण्ड (ii) तारीख 12 जनवरी, 1994 में प्रकाशित ऊर्जा मंत्रालय (विद्युत विभाग) की अधिसूचना संक्र.सं. 91, तारीख 24 दिसम्बर, 1990 द्वारा तथा संशोधित भारत के राजपत्र, भाग II, खंड 3, उपखण्ड (ii) तारीख 22 मितम्बर, 1984 में प्रकाशित भारत सरकार के तत्कालीन ऊर्जा मंत्रालय (विद्युत विभाग) की अधिसूचना संक्र.सं. 3106, तारीख 15 मितम्बर, 1984 की उन शक्तियों के सिवाय अधिप्राप्त करते हुए, जिनमें ऐसे अधिप्राप्ति से पूर्व किया गया है या करने का खोप किया गया है, श्री के. एन. सिन्हा, मुख्य इंजीनियर (निरीक्षणालय) केन्द्रीय विद्युत प्राधिकरण, नई दिल्ली को, नीचे यथाविनिर्दिष्ट केन्द्रीय सरकार और संघ राज्य क्षेत्रों के या उनके नियन्त्रणाधीन सभी संस्थापनों की बाबत, सिवाय निम्न बोल्टन संस्थापनों के जिनका निरीक्षण विद्युत के अपने-अपने प्राधिकरणों द्वारा किया जाना होगा, विद्युत निरीक्षण के रूप में नियुक्त करती है:—

1. अंदमान और निकोबार द्वीप समूह, (सभी संस्थापन) चण्डीगढ़, दादरा, नागर हवेली, दमन और दीव, लक्षद्वीप, पाँडिचेरी संघ राज्य क्षेत्र और अरुणाचल प्रदेश, गोवा सिक्किम राज्य		12. वित्त मंत्रालय (सभी संस्थापन)	
2. कृषि मंत्रालय (सभी संस्थापन)		13. खाद्य मंत्रालय (सभी संस्थापन)	
3. रसायन और उद्यम मंत्रालय (सभी संस्थापन)		14. खाद्य प्रसंस्करण/उद्योग मंत्रालय (सभी संस्थापन)	
4. नागर-विमानन और पर्यटन मंत्रालय (सभी संस्थापन)		15. स्वास्थ्य और परिवार कल्याण मंत्रालय (सभी संस्थापन)	
5. नागरिक पूर्ति, उपभोक्ता मामलों और औद्योगिक वितरण मंत्रालय (सभी संस्थापन)		16. गृह मंत्रालय (सभी संस्थापन)	
6. कोयला मंत्रालय (सभी संस्थापन)		17. मानव संसाधन विकास मंत्रालय (सभी संस्थापन)	
7. वाणिज्य मंत्रालय (सभी संस्थापन)		18. उद्योग मंत्रालय (सभी संस्थापन)	
8. संचार मंत्रालय (सभी संस्थापन, डाक और दूर संचार विभाग के सिवाय)		19. सूचना और प्रसारण मंत्रालय (सभी संस्थापन)	
9. रक्षा मंत्रालय (सभी संस्थापन) (सेना अभियन्ता सेवा और आर्जिवेस कारखानों के सिवाय)		20. श्रम मंत्रालय (सभी संस्थापन)	
10. पर्यावरण और वन मंत्रालय (सभी संस्थापन)		21. विधि, न्याय और कम्पनी कार्य मंत्रालय (सभी संस्थापन)	
11. विदेश मंत्रालय (सभी संस्थापन)		22. खान मंत्रालय (सभी संस्थापन) (खान और तेल क्षेत्रों के सिवाय)	
		23. औद्योगिक ऊर्जा क्षेत्र मंत्रालय (सभी संस्थापन)	
		24. संसदीय कार्य मंत्रालय (सभी संस्थापन)	
		25. कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय (सभी संस्थापन)	
		26. पेट्रोलियम और प्राकृतिक गैस मंत्रालय (सभी संस्थापन—खान और तेल क्षेत्रों के सिवाय)	
		27. योजना मंत्रालय (सभी संस्थापन)	
		28. विद्युत मंत्रालय (सभी संस्थापन)	
		29. कार्यक्रम कार्यान्वयन मंत्रालय (सभी संस्थापन)	
		30. ग्रामीण विकास मंत्रालय (सभी संस्थापन)	
		31. विज्ञान और प्रौद्योगिकी मंत्रालय (सभी संस्थापन)	
		32. इस्पात मंत्रालय (सभी संस्थापन)	
		33. जल संचयन परियोजना मंत्रालय (सभी संस्थापन)	
		34. वस्त्र मंत्रालय (सभी संस्थापन)	
		35. शहरी विकास मंत्रालय (सभी संस्थापन)	
		36. जल संसाधन मंत्रालय (सभी संस्थापन)	
		37. कल्याण मंत्रालय (सभी संस्थापन)	
		38. परमाणु ऊर्जा विभाग (सभी संस्थापन—खान के सिवाय)	
		39. इलेक्ट्रॉनिक्स विभाग (सभी संस्थापन)	
		40. महाभाषार विकास विभाग (सभी संस्थापन)	
		41. अंतरिक्ष विभाग (सभी संस्थापन)	
		42. मंत्रिमण्डल सचिवालय (सभी संस्थापन)	
		43. राष्ट्रपति सचिवालय (सभी संस्थापन)	
		44. प्रधानमंत्री कार्यालय (सभी संस्थापन)	
		45. अनुसूचित जाति और अनुसूचित जनजाति के आयुक्त का कार्यालय (सभी संस्थापन)	
		46. केन्द्रीय मतपूर्ता आयोग (सभी संस्थापन)	
		47. भारत का निर्वाचन आयोग (सभी संस्थापन)	
		48. उच्चतम न्यायालय (सभी संस्थापन)	
		49. संघ लोक सेवा आयोग (सभी संस्थापन)	

[क्र.सं. 25/1/90-डी० (एस०ई०बी०)]

ए. ए. जंग, मुख्य सचिव

New Delhi, the 15th April, 1994

S.O. 1251.—In exercise of the powers conferred by sub section (1) of Section 36 of the Indian Electricity Act, 1910 (9 of 1910) and in supersession of the notification of the Government of India in the then Ministry of Energy (Department of Power) number S.O. 3106 dated the 15th September, 1984 published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 22nd September, 1984 and as amended vide Ministry of Energy (Department of Power) Notification Number S.O. 91, dated the 24th December, 1990 published in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 17th January, 1991, except as respects things done or omitted to be done for such supersession, the Central Government hereby appoints Shri K.N. Sinha, Chief Engineer (Inspectorate), Central Electricity Authority, New Delhi to be the Electrical Inspector in respect of all installations belonging to or under the control of the Central Government and the Union Territories as specified below, except for the low voltage installations which shall continue to be inspected by the respective suppliers of electricity.—

- | | |
|--|--|
| 1. Union Territories of the Andaman and Nicobar Islands, Chandigarh; Dadra Nagar Haveli; Daman and Diu; Lakshadweep; Pondicherry and the States of Arunachal Pradesh, Goa and Mizoram) | (All Installations) |
| 2. Ministry of Agriculture | (All Installations) |
| 3. Ministry of Chemicals and Fertilisers | (All Installations) |
| 4. Ministry of Civil Aviation and Tourism | (All Installations) |
| 5. Ministry of Civil Supplies, Consumer Affairs and Public Distribution | (All Installations) |
| 6. Ministry of Coal | (All Installations) |
| 7. Ministry of Commerce | (All Installations) |
| 8. Ministry of Communications | (All Installations except Post and Telecommunications Department) |
| 9. Ministry of Defence | (All Installations except Military Engineering Services and Ordnance Factories). |
| 10. Ministry of Environment and Forests | (All Installations) |
| 11. Ministry of External Affairs | (All Installations) |
| 12. Ministry of Finance | (All Installations) |
| 13. Ministry of Food | (All Installations) |
| 14. Ministry of Food Processing Industries | (All Installations) |
| 15. Ministry of Health and Family Welfare | (All Installations) |
| 16. Ministry of Home Affairs | (All Installations) |
| 17. Ministry of Human Resources Development | (All Installations) |
| 18. Ministry of Industry | (All Installations) |
| 19. Ministry of Information and Broadcasting | (All Installations) |
| 20. Ministry of Labour | (All Installations) |
| 21. Ministry of Law, Justice and Company Affairs | (All Installations) |
| 22. Ministry of Mines | (All Installations except Mines and Oil Fields) |
| 23. Ministry of Non-Conventional Energy Source | (All Installations) |
| 24. Ministry of Parliamentary Affairs | (All Installations) |
| 25. Ministry of Personnel, Public Grievances and Pension | (All Installations) |
| 26. Ministry of Petroleum and Natural Gas | (All Installations except mines and Oil Fields) |
| 27. Ministry of Planning | (All Installations) |
| 28. Ministry of Power | (All Installations) |
| 29. Ministry of Programme Implementation | (All Installations) |
| 30. Ministry of Rural Development | (All Installations) |

31. Ministry of Science and Technology	(All Installations)
32. Ministry of Steel	(All Installations)
33. Ministry of Surface Transport	(All Installations)
34. Ministry of Textiles	(All Installations)
35. Ministry of Urban Development	(All Installations)
36. Ministry of Water Resources	(All Installations)
37. Ministry of Welfare	(All Installations)
38. Department of Atomic Energy	(All Installations except mines)
39. Department of Electronics	(All Installations)
40. Department of Ocean Development	(All Installations)
41. Department of Space	(All Installations)
42. Cabinet Secretariat	(All Installations)
43. President's Secretariat	(All Installations)
44. Prime Minister's Office	(All Installations)
45. Office of the Commissioner for Scheduled Castes and Scheduled Tribes	(All Installations)
46. Central Vigilance Commission	(All Installations)
47. Election Commission of India	(All Installations)
48. Supreme Court	(All Installations)
49. Union Public Service Commission	(All Installations)

[F. No. 25/1/90-D (SEB)]

A.H. JUNG, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 27 अप्रैल, 1994

कां० 1252.—भारतीय आधुनिक शिक्षा परिषद अधिनियम, 1956 (1956 का 102) की धारा 20 की उप-धारा (1) के अनुसरण में, केन्द्रीय सरकार ऐतद्वारा डा० एच०बी० राजशेखर को स्नातकोत्तर शिक्षा मिश्रा समिति का सदस्य मनोनीत करती है तथा भारत सरकार स्वास्थ्य और परिवार कल्याण मंत्रालय की 17 अक्टूबर, 1991 की अधिसूचना संख्या बी० 11013/18/89-एम०ई० (पी)/एम०ई० (यू०बी०) में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में क्रम संख्या 1 के तमाम की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ प्रतिस्थापित होंगी, नामतः—

“डा० एच०बी० राजशेखर,
प्रधानाचार्य,
जे०एल०एम० मेडिकल कॉलेज,
बेलगाम, कर्नाटक

[सं० बी० 11019/2/94-एम०ई० (यू०बी०)]
एस०के० मिश्रा, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 27th April, 1994

S.O. 1252.—In pursuance of Sub-Section (1) of Section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates Dr. H. B. Rajsekhar as the member to the Post Graduate Medical Education Com-

mittee and makes the following amendments in the Notification of the Government of India in the Ministry of Health and Family Welfare vide Notification No. V. 11013/18/89-ME(P) ME(UG) dated 17th October 1991 namely:—

In the said Notification, against serial No. 1 for the entries, the following entries shall be substituted, namely:—

“Dr. H.B. Rajsekhar,
Principal,
J.L.N. Medical College,
Belgaum, Karnataka”

[No. V-11019/2/94-ME(UG)]
S. K. MISHRA, Desk Officer

श्रम मंत्रालय

नई दिल्ली, 29 अप्रैल, 1994

कां० 1253.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा करना अपेक्षित है कि भारतीय खाद्य निगम सेवा को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 6 के अन्तर्गत आती है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छह माह की अवधि तक के लिए तत्काल लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/5/91-आई०आर० (पालिसी विधायी)]

एस० एस० पराजूर, भवन सचिव

MINISTRY OF LABOUR

New Delhi, the 29th April, 1994

S.O. 1253.—Whereas the Central Government is satisfied that the public interest requires that the services in the Food Corporation of India, which are covered by entry 6 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

(Now, therefore in exercises of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act, for a period of six months.

[No. S-11017/5/91-I.R.(PL)
S. S. PARASHER, Under Secy.

नई दिल्ली, 4 मई, 1994

क्रमांक 1254.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फारेस्ट रिसर्च इन्स्टीट्यूट एवं कॉलेज के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-94 को प्राप्त हुआ था।

[संख्या एल-42012/45/87-डी 2(बी) (पीटी)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th May, 1994

S.O. 1254.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Forest Research Institute & College, Dehradun and their workmen, which was received by the Central Government on 3-5-94.

[No. L-42012/45/87-D.II(B)(Pt.)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL,
TRIBUNAL, NEW DELHI
I.D. No. 1119/88

In the matter of dispute between:
Shri Ram Singh Bisht s/o Shri Gabar Singh Bisht,
91/4-2 Dharampur, Hardwar Road, Dehradun-248001.

Versus

The President, Forest Research Institute & Colleges P.O.
New Forest Dehradun.

APPEARANCES:

None—for the workman.
Shri Jog Singh—for the Management.

AWARD

This Industrial Dispute was originally referred to the Central Government Industrial Tribunal Kanpur wherefrom it was received by transfer.

2. The Central Government in the Ministry of Labour vide its Order No. L-42012/45/87-D.II(B) dated 17th August, 1988 has referred the following industrial dispute to the Tri-

bunal for adjudication on transfer from Industrial Tribunal Kanpur:

"Whether the action of the management of Forest Research Institute and Colleges in terminating the services of Shri Ram Singh Bisht, Electrician, w.e.f. 30-7-86 (A.N.) is justified? If not, to what relief the workman is entitled to?"

3. In the statement of claim the workman alleged that he was called for test and interview on 28-10-83 and selected and appointed substantively on the permanently clear post of highly skilled electrician and was directed verbally by the Officer-in-Charge to report for duty on 1-11-83. He reported for duty on the said date and started working. No appointment letter was issued to him deliberately to keep him unsecured under constant fear of termination of his services. He did not insist for such appointment letter due to the said fear of termination. He, time and again requested the management for regularisation and confirmation but to no effect and was not paid even the wages of a regular employee and deprived of wages equal to a regular employee in contravention of the concept of equal pay for equal work instead of acceding to his genuine and legitimate demand his services were terminated abruptly on 31-7-86 without any notice, notice pay or compensation. He was denied the benefit of paid closed day and other benefits of termination services and his termination amounts to retrenchment falling within the ambit of section 2(oo) of the I.D. Act. The conciliation proceedings did not mature and the Ministry of Labour made this reference.

4. In the written statement the management denied the appointment of the workman on regular basis and alleged that he was casual daily labourer and was paid daily wages as fixed by the government from time to time. He was called through the employment exchange and was not posted against any permanent vacancy. He had been orally told a month before that since the work was going to be completed so his services were no longer required.

5. The Management in support of its evidence examined Shri B. K. Bhatia MWI while the workman himself appeared as WWI. I have heard representatives for the parties and have gone through the record.

6. The representative for the management has urged that the workman in the statement of claim has himself admitted that the workman was being paid daily wages and not the wages of a regular employee.

It indicates that he was appointed on daily wages and not against any regular position. The workman representative in his statement of claim has far that reason stated that the workman was entitled to equal pay for equal work. A daily rated employee cannot be regularised unless there is a regular vacancy and his services can be terminated as and when the work for which he has been engaged is completed. There were intervals in his daily working as he was never paid for any holidays and other closed days because daily wages used to be calculated on the basis of the daily work done by him. There was thus no question of his being in the regular employment and he could not claim permanency in his employment.

7. The workman representative on the other hand has urged that the workman had worked continuously for a period of about 3 years as was clear from the certificate issued by one B. P. Jaitly and when he had completed 240 days he was entitled for regular employment. He referred to the certificate Ex. W-1. He has further urged that the work and conduct of the workman was satisfactory and the services could not be terminated without any notice or notice pay.

8. After having gone through the points urged before me and the record of this case, I am of the opinion that there is absolutely no doubt that the workman was appointed as daily wages employee. Even in the certificate produced by the workman himself it is recorded that he worked in that branch @ Rs. 20.50 p. per day. This certificate was issued on 11th of August, 1986. There is no appointment letter with the

workman indicated the nature of the post against which he was appointed. It is thus clear that his appointment was a casual daily labour. There is nothing on record to suggest that permanent/regular vacancy exists in the department and the workman could be posted against it. Even from the statement of claim filled by the workman himself it is clear that he was posted on daily wages as a casual daily labourer. The recruitment to all organisations is done according to some rules and regulations and some system is applicable to all such institutions. A casual labour cannot claim permanency unless there is a regular post or that procedure has been followed. The experience and satisfactory work and conduct of such an employee could, however, go a long way in his regular selection when the same takes place. He according to Mr. Bal Kishan Bhatia MWI was engaged to assist the electrician in the performance of his duties. I, therefore, am of the view that the workman worked as casual daily labour and was not a regular employee whose service could be terminated on the completion of the job for which he was engaged. The action of the management in terminating his services was, therefore, justified. Parties shall bear their own costs.

GANPATI SHARMA, Presiding Officer

16th March, 1994

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end,
March, 1994.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 मई, 1994

कां.प्र. 1255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवचन में, केन्द्रीय सरकार फॉरेस्ट रिसर्च इंस्टीट्यूट एंड कॉलेज, देहरादून के प्रवचन के संबंध नियोजकों और उनके कर्मचारियों के बीच, प्रवचन में निम्न औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-94 को प्राप्त हुआ था।

[सं.प्र. 42012/46/87-डी 2(बी) (पीडी)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th May, 1994

S.O. 1255.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Forest Research Institute & College, Dehradun and their workmen, which was received by the Central Government on 3-5-1994.

[No. L-42012/46/87-D.II(B)(Pt.)]
K. V. B. UNNY, Desk Officer

BEFORE SHRI GANPATI SHARMA : PRESIDING
OFFICER : CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI
I.D. No. 120/88

In the matter of dispute between :

Shri Rajesh Kumar Maurya, S/o Shri Prabhu Dayal
Maurya, 128, Dharampur, Hardwar Road
Dehra Dun-248001.

Versus :

The President Forest Research Institute & Colleges, P.O.
New Forest Dehradun

APPEARANCES :

None for the workman.

Shri Jog Singh for the management.

AWARD

This Industrial Dispute was originally referred to the Central Government Industrial Tribunal Kanpur wherefrom it was received by transfer.

2. The Central Government in the Ministry of Labour vide its Order No. L-42012/46/87-D.II(B) dated 17-8-1986 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Forest Research Institute and Colleges Dehradun in terminating the services of Shri Rajesh Kumar Maurya, electrician, w.e.f. 30-7-1986(A.N.) is justified? If not, what relief the workman is entitled to?"

3. In the statement of claim the workman alleged that he was called for test and interview on 28-10-1983 and selected and appointed substantively on the permanently clear post of highly skilled electrician and was directed verbally by the Officer-in-Charge to report for duty on 1-11-1983. He reported for duty on the said date and started working. No appointment letter was issued to him deliberately to keep him unsecured under constant fear of termination of his services. He did not insist for such appointment letter due to the said fear of termination. He, time and again requested the management for regularisation and confirmation but to no effect and was not paid even the wages of a regular employee and deprived of wages equal to a regular employee in contravention of the concept of equal pay for equal work. Instead of acceding to his genuine and legitimate demand his services were terminated abruptly on 31-7-1986 without any notice, notice pay or compensation. He was denied the benefit of paid closed day and other benefits of termination services and his termination amounts to retrenchment falling within the ambit of section 2(oo) of the I. D. Act. The conciliation proceedings did not mature and the Ministry of Labour made this reference.

4. In the written statement the management denied the appointment of the workman on regular basis and alleged that he was casual daily labourer and was paid daily wages as fixed by the government from time to time. He was called through the employment exchange and was not posted against any permanent vacancy. He had been orally told a month before that since the work was going to be completed so his services were no longer required.

5. The Management in support of its evidence examined Shri B. K. Bhatia MWI while the workman himself appeared as WWI. I have heard representatives for the parties and have gone through the record.

6. The representative for the management has urged that the workman in the statement of claim has himself admitted that the workman was being paid daily wages and not the wages of a regular employee. It indicates that he was appointed on daily wages and not against any regular position. The workman representative in his statement of claim has for that reason stated that the workman was entitled to equal pay for equal work. A daily rated employee cannot be regularised unless there is a regular vacancy and his services can be terminated as and when the work for which he has been engaged is completed. There were intervals in his daily working as he was never paid for any holidays and other closed days because his wages used to be calculated on the basis of the daily work done by him. There was thus no question of his being in the regular employment and he could not claim permanency in his employment.

7. The workman representative on the other hand has urged that the workman had worked continuously for a period of about 3 years as was clear from the certificate issued by one B. P. Jaitly. When he had completed 240 days he was entitled for regular employment. He referred to the certificate Ex.W-1. He has further urged that the work and conduct of the workman was satisfactory and the services could not be terminated without any notice or notice pay.

8. After having gone through the points urged before me and the record of this case, I am of the opinion that there is absolutely no doubt that the workman was appointed as daily wages employee. Even in the certificate produced by the workman himself it is recorded that he worked in that branch @Rs. 20.50 p per day. This certificate was issued on 11th of August, 1986. There is no appointment letter with the workman indicating the nature of the post against which he was appointed. It is thus clear that his appointment was as casual daily labour. There is nothing on record to suggest that permanent/regular vacancy exists in the department and the workman could be posted against it. Even from the statement of claim filed by the workman himself it is clear that he was posted on daily wages as a casual daily labourer. The recruitment to all organisations is done according to some rules and regulations and some system is applicable to all such institutions. A casual labour cannot claim permanency unless there is a regular post or that procedure has been followed. The experience and satisfactory work and conduct of such an employee could, however, go a long way in his regular selection when the same takes place. He according to Mr. Bal Kishan Bhatia MW1 was engaged to assist the electrician in the performance of his duties. I, therefore, am of the view that the workman worked as casual daily labour and was not a regular employee whose services could be terminated on the completion of the job for which he was engaged. The action of the management in terminating his services was, therefore, justified. Parties shall bear their own costs.

GANPAT SHARMA, Presiding Officer

16th March, 1994.

Further, it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

GANPAT SHARMA, Presiding Officer

नई दिल्ली, 5 मई, 1994

का. प्रा. 1256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार रीजनल प्रोविडेंट फंड कमिशनर के प्रवक्तव्य के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुसूचा में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-94 को प्राप्त हुआ था।

[संख्या एल-42012/9/88-सी-2 (बी) (पी टी)]

के.बी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 5th May, 1994

S.O. 1256.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Provident Fund, Commissioner and their workmen, which was received by the Central Government on 3-5-1994.

[No. L-42012/9/88-D.II(B)(Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH
Case No. I.D. 14/89

Joginder Singh Vs. Regional Provident Fund Commissioner.

For the workman : Shri Vinod Kumar.

For the management : Shri Pardeep Bedi.

AWARD

Central Government vide Gazette Notification No. L-42012/9/88-D-2(B) dated 8th January, 1989 issued U/s. 10(1)(a) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication.

"Whether the action of the Regional Provident Fund Commissioner in terminating the services of Shri Joginder Singh son of Shri Tarlok Singh, waterman/peon/messenger w.e.f. 1-4-1987 is legal and justified? If not, to what relief is the concerned workman entitled and from what date?"

2. Case of the petitioner as set out in the statement of claim that his name was sponsored by the employment exchange on the requisition made by the respondent management. He was engaged as waterman w.e.f. 15-5-1986. He worked right from the day of his first appointment as peon/messenger. His services were terminated w.e.f. 1-4-1987 in violation of the principle of natural justice and without complying with the provisions of Industrial Disputes Act, 1947 although he had served for more than 240 days continuously. According to him at the time of termination of the services seven vacancies were in existence and further two appointments were made after the termination of his services. He thus sought reinstatement with full back wages and continuity of service.

3. The management in their written statement has admitted that the name of the petitioner was sponsored by the employment exchange. He was engaged as daily paid mazdoor for day to day requirement of the office. It was denied that he was performing the job of peon/messenger. He was given experience certificate of having performed the duties including that of peon/messenger for his better prospects seeking employment somewhere else. He is estopped to take the help of the same for his absorption in the office to the post of peon/messenger on regular basis. Further plea of the management that the petitioner had served as water boy during his entire tenure from 15-5-86 to 31-3-1987 which works out to be 202 days. Therefore, there is no question of illegal termination of service of the petitioner and there is also no violation of principle of natural justice. According to the management the alleged two vacancies were filled after direction of the Assistant Labour Commissioner, Chandigarh to consider the names of those two persons who are initially engaged on daily wage basis. However, in the instant case, there is no such direction nor any clearance from the employment exchange to consider the names of the petitioner for regular appointment. The management thus sought the dismissal of this reference.

4. Petitioner filed his affidavit Ex. W1 in evidence. MW1 B. R. Ratan, Assistant Provident Fund Commissioner is the management's witness. He filed his affidavit Ex. M1. In cross-examination he has shown his ignorance whether Saturdays, Sundays and holidays have been excluded while counting 202 days. The respective parties closed their evidence.

5. I have heard both the parties, gone through the evidence and record.

6. The petitioner has admittedly worked with the respondent management from 15-5-1986 to 31-3-1987. The number of days works out to be 202 days only. No doubt the management's witness has shown his ignorance for having included Saturdays, Sundays and holidays in the total number of days in addition to 202 days actual number of days put in by the petitioner. But however in all fairness the management has placed on the record the attendance register from May, 1986 to March, 1987. After having perused the same it is evident that Saturdays, Sundays and holidays are not included in addition to the number of days actually put in by the petitioner, i.e., 102 days. However, the same was required to be added as held in Workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation reported in (1985) II L.L.J. page 539 (Supreme Court) and Tarlok Singh

Vs. Labour Court, Jalandhar reported 1989 (74) I.J.R. page 265. Therefore, if Saturdays, Sundays and holidays are added in addition to the number of days actually worked by the petitioner, he does complete more than 240 days of continuous service prior to the date of termination as defined u.s. 25-B of the Industrial Disputes Act, 1947. Therefore, he does qualify himself under the protection of Section 25-F of the Industrial Disputes Act, 1947. It was mandatory for the management to have served notice or to be given pay in lieu of notice and retrenchment compensation before terminating his service. The management has not paid any retrenchment compensation and pay in lieu of notice before terminating the services of the petitioner thus violates the provisions of Section 25-F of the Industrial Disputes Act, 1947 and the termination of the services of the petitioner is certainly illegal. He is thus ordered to be reinstated in service with all consequential benefits.

7. Coming to the issue of payment of back wages. Neither the petitioner has claimed to have remained unemployed throughout nor the management has proved that he is gainfully employed. Considering all these aspects, the petitioner is allowed 50 per cent of the back wages from the date of termination till reinstatement.

8. In a way reference is answered accordingly and returned to the Ministry.

Chandigarh,
11-4-1994.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 4 मई, 1994

का. आ. 1257.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वये, मैं, केन्द्रीय सरकार, सेन्ट्रल बैंक आफ इण्डिया के प्रबन्धसमूह के संयोजक और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचायत को प्रस्तावित करती है, जो केन्द्रीय सरकार को 3-5-94 को प्राप्त हुआ था।

[संख्या एन-12012/93/80-डी-2(ए) आई मार (बी-II)]

श्री. के. शर्मा, हेक्क अधिकारी

New Delhi, the 4th May, 1994

S.O. 1257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 3-5-1994.

[No. 1-12012/93/80-D.II-A/TR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No. 39/81

In the matter of dispute between :

Shri Sham Lal Jain s/o Shri Shri Mal, resident of
203/20, Trinagar, Delhi-35.

Versus

The Management of Central Bank of India, Regional
Office, Link House, 4, Bahadurshah Zafar Marg,
New Delhi.

APPEARANCES :

Shri T. C. Gupta—for the Workman.
Shri D. D. Kapoor—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. 1-12012/93/80-D.II.A dated 20th March, 1981 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in terminating the services of Shri Shyam Lal Jain, a clerk at its Madipur Branch in Delhi with effect from 13-4-77 was justified? If not, to what relief is the workman entitled?"

2. The above reference was decided on 9-2-89 by my predecessor Shri G. S. Kalra. Thereafter the management went in appeal and the Hon'ble High Court of Delhi in Civil Writ No. 2196 dated 20-2-90 allowed the petition, set aside the Award and remanded reference back to the Tribunal with the direction that it shall afford the opportunity to the employer to lead evidence and then decide the reference in accordance with law. If the workman also wanted to lead evidence, it shall be at liberty to do so.

3. On receipt of this the management was allowed to lead evidence and the management examined in addition to the two witnesses Shri K. L. Kalra, MW1 and Miss C. Rama Rao MW2 produced Inder Singh Prashar, Sub-Accountant MW3 and Shri B. K. Shokeen MW4. The workman also examined Shri R. K. Aggarwal WW1 and himself appeared as WW2.

4. The workman Sham Lal Jain joined the services of the Central Bank of India in the clerical cadre w.e.f. 31-8-66. Vice memo dated 24-5-75, a show cause notice was served upon the workman to submit his explanation regarding various allegations mentioned therein to which the workman submitted his reply dated 29-5-75. Thereafter the following charge sheet dated 20-6-75 was served upon him.

Charge Sheet

Mr. Shyam Lal Jain, Clerk, Madipur is informed that his explanation dated 29-5-75 in reply to our memo No. E/75/295 dated 24-5-75 is not satisfactory and the following charges are made against him :—

1. The action of Mr. Jain in signing the pay order for Rs. 73,634/64 favouring New Bank of India on 3-5-75 without preparing any debit or credit voucher, is mala fide since he has no authority to sign such pay orders. The said pay order, it appears, was cancelled on 5-5-75 by tearing of the signatures thereon.

Further, on 6-5-75 Mr. Shyam Lal Jain is reported to have signed the pay order for Rs. 73,624.64 after preparing the same himself even though no cash was received in the books of the Bank for the issue of the said pay order. Mr. Jain had no authority to sign this pay order as he was working only as a Clerk and not officiating in place of any officer or Special Assistant. As this act of Mr. Jain in signing the said pay order without any authority and without any amount being received by the Bank is an act prejudicial to the interest of the Bank, he is charged with gross misconduct under section 19(3)(j) of the Bi-partite Settlement dated 19-10-1966.

2. Mr. Shyam Lal Jain had got an advance of Rs. 49,700 from the Bank on 10-5-75 and had lodged a cheque for Rs. 50,000 for adjustment of his over draft account. The said cheque was returned unpaid on 14-5-75 with the reason "exceeds arrangement" and in spite of the cheque being relodged it was again returned unpaid on 16-5-75. Even though Mr. Jain had finally adjusted his over draft on 22-5-1975, his action in misusing the funds of the Bank from 10-5-75 to 22-5-75 is an act which is prejudicial to the interest of the Bank and is charged with gross misconduct under Section 19(3)(j) of the Bi-partite Settlement of 19th October, 1966.

3. Mr. Jain obtained payment of Rs. 3,500 on 15-4-1975 for the purpose of getting new currency notices from the Reserve Bank of India. This amount has been adjusted by him only some time after 24-5-1975. Thus even though the advance was granted on 15-4-1975, Mr. Jain has misused this amount for more than a month and this act is prejudicial to the interest of the Bank and he is charged with gross misconduct under section 19(3)(j) of the Bipartite Settlement dated 19-10-1966.

4. Mr. Shyam Lal Jain in his explanation dated 29-3-1975 has stated that on or about 22-3-1975 a cheque for Rs. 73,624.64 p presented in clearing was returned unpaid by the New Bank of India. The said cheque was returned by the New Bank of India on counter on 22-3-1975, to Shri Shyam Lal Jain. As the said cheque has still not been traced and neither debited to the account of the party a grossly negligent manner in not debiting the account of the party immediately on receipt of the returned cheque and is therefore, charged with gross misconduct under section 19(5)(i) of the Bipartite Settlement of 19-10-1966.

Mr. Shyam Lal Jain is hereby informed that the enquiry in the matter will be conducted by Shri K. L. Kalra on 10-7-1975 at our Madipur Branch at 11 A.M. and the enquiry proceedings will continue thereafter till they are concluded, subject to inevitable circumstances when the proceedings may be adjourned to some other date.

Mr. Jain is hereby required to be present at the appointed place, time and date. He should keep ready his witnesses and other documents he intends to produce in the case for the purpose of his defence. He is fully entitled for the documents and to cross examine the witnesses produced by the Management to prove the aforesaid charges against him.

Mr. Jain is hereby allowed to be represented by a representative of the registered trade union of Bank employees on the express understanding that allowing such a representative does not mean that the management recognises any Union or Association of the employees.

In case Mr. Jain fails to present himself or abstain from participating in the enquiry on the aforesaid date or adjourned dates from time to time during the enquiry proceedings the enquiry shall be completed *ex parte* in his absence and decided accordingly.

Mr. Jain is further advised that pending enquiry he is suspended from service with immediate effect. During the period of his suspension he will draw during the first three months 1/3rd of the pay and allowances he would have drawn but for the suspension and thereafter at 1/2 of pay and allowances he would have drawn but for the suspension. Mr. Shyam Lal Jain is informed that if after further investigation and further lapse on the part of Mr. Jain is notified then the Management will be free to issue a supplementary charge sheet.

Sd/-
Zonal Manager

5. The enquiry against the workman was conducted by Shri K. L. Kalra named as Enquiry Officer in the charge sheet itself. The enquiry against the workman commenced on 10-7-75 and concluded on 2-11-1976. Shri K. L. Kalra Enquiry Officer recorded his findings vide undated report placed on the record and found all the charges proved against the workman and proposed punishment of "discharged from service without notice" and a show cause notice was issued to the workman if he had to say anything against the proposed punishment. The workman submitted reply dated 24-3-1977 to the following effect:

"Dear Sir,

I have been received your findings of my case. I have nothing to say for the punishment proposed by you.

Hoping for your favourable consideration.

Thanking you.

Yours sincerely,

Sd/-

(SHYAM LAL JAIN)"

Dated : 24-3-1977.

Then the Enquiry Officer issued the memo dated 28-3-1977 which reads as under :

"MEMO

Vide my letter No. KLK/3/77(124)/3339 dated 8-3-1977 I have given my findings and have proposed punishment of discharge from service without notice in this case. Since Mr. Jain vide his letter dated 24-3-1977 has stated that he had nothing to say for the punishment, I have got no option but to confirm the punishment as proposed by me earlier.

Sd/-

K. L. KALRA, Enquiry Officer"

6. While the management has defended the enquiry conducted against the workman as fair and proper and asserted that the order of termination of service of the workman is legal and valid, the workman has contended that the order of termination of his services is illegal and unjustified because the enquiry held against him is vitiated being not fair and proper, *inter alia*, on the following grounds:

- (1) Denial of reasonable opportunity of defence by arbitrary refusal of workman's request for permission to engage a lawyer for his defence.
- (2) Arbitrary refusal to permit the workman to be defended by an office bearer of the Union of which he subsequently became a member.
- (3) Explanation of the absence of defence representative by the bank representative in putting leading questions to the prosecution witnesses.
- (4) Non-payment of subsistence allowance which caused mental worry and resulted in grave prejudice to the workman.
- (5) Non-supply of statements/comments relied upon by the bank to frame charges against the workman.
- (6) The termination of the service of the workman was not discharge under clause of the Bipartite Settlement.
- (7) Enquiry Officer was unauthorised to dispose of matter on his own findings.
- (8) The findings of the Enquiry Officer were perverse being not based on legal evidence.

7. I have given my anxious consideration to the entire facts and circumstances of this case and the submissions made by the 14 representatives of both the parties and I am of the opinion that there is considerable substance in almost all the grounds made by the workman.

8. The enquiry commenced on 10 / 75. The workman has proved by producing documentary evidence that he had resigned from his union on 9-7-75. Therefore, at the time of the commencement of the enquiry the workman was not a member of any union. The request of the workman made at the commencement of the enquiry for permission to be represented by a lawyer should have been given due consideration and should not have been perfunctorily rejected by the enquiry officer, who passed the following cryptic order:

"Request for bringing a lawyer in domestic enquiry is declined and Mr. Jain should bring a representative as laid down in para 19.12 of the Bipartite Settlement

On the next date of hearing when the workman again made a request for being allowed a lawyer and that he wanted to make a representation in this behalf to the Zonal Manager, the Enquiry Officer again rejected the request with the following observation:

"Regarding the allowing of a lawyer for the defence of Mr. Jain, I have already expressed at the point. It is a domestic enquiry and it is not the policy of the Bank to allow lawyers in these enquiries. However, Mr. Jain should arrange his defence as permitted in part 19.12 if he so chooses."

Shri K. L. Kalra Enquiry Officer in his statement as MW1 has confirmed that the bank's representative at the enquiry Mr. B. P. Tandon was a Law Graduate. In all fairness, when the bank's representative was a Law Graduate, the Enquiry

Officer should have permitted the workman to be represented by a lawyer. The clause 19.12 of the Bipartite Settlement on which reliance has been placed by the Enquiry Officer is reproduced below :

"An employee against whom disciplinary action is proposed or likely to be taken shall be given a charge sheet..... He shall also be permitted to be defended:-

(i) (x) by a representative of a registered trade union of bank employees of which he is a member on the date first notified for the commencement of the enquiry.

(y) where the employee is not a member of any trade union of bank employees on the aforesaid date, by a representative of a registered trade union of the employees of the bank in which he is employed.

OR

(ii) at the request of the said union, by a representative of the state federation or all India organisation to which such union is affiliated.

OR

(iii) with the Bank's permission by a lawyer."

It is apparent that even the Bipartite Settlement permits the representation by a lawyer with the banks permission. The discretion of the bank for grant of permission for representation by a lawyer has to be exercised judiciously and cannot be arbitrarily rejected as a matter of policy for all cases without reference to the facts and circumstances of an individual case. In the present case the workman was without any representation by any union and his request for being represented by a lawyer should have been favourably considered particularly in view of the fact that the banks representative was a law graduate. In this regard reference may be made to a decision of the Bombay High Court in Antonio B. Furtado V. Chairman, Bank of India 1986 Lab. & Ind. Class (613), wherein it was held as under :

"Undisputably, under the said para 19.12, a delinquent employee can be represented in a departmental enquiry either by a representative of a registered trade union of the bank employees or by a representative of the State Federation or All India Organisation to which such union is affiliated, or, with the permission of the bank by a lawyer. It is thus clear under the aforesaid sentence of a delinquent employee by a lawyer in a departmental enquiry proceedings is permissible though subject to the prior permission of the Bank. It appears that ordinarily, such representation should be by a representative of the Trade Union, but there is nothing in the said para 19.12 as to imply that only when the representative of the Union is not available, the representation by a lawyer can be permitted. It is clear to us that the said para 19.12 leaves the question open and it is for the Bank in its discretion to grant in a given case, permission to a delinquent employee to be represented by a lawyer in the departmental enquiry proceedings. Hence, the question that arises is whether this discretion can be used according to the whims of the management. Manifestly the answer is in the negative, for while dealing with an application of a delinquent employee seeking such permission, the Bank management should not act arbitrarily but should, on the contrary, be reasonable and fair. Apparently, however, this approach did not find favour with the respondent. We say so, because in the course of his arguments, Mr. P. Mulgaonkar, the learned counsel representing the respondents 1, 3, 4 and 5, while making a feeble attempt to justify the rejection of the petitioner's request, merely contended that if such permission is granted, it will open the flood gates and so, in each and every case, delinquent employees will ask as of right for permission to be represented by lawyers.

Obviously, there is no merit in this submission of the learned counsel, for, if discretion is properly used, and permission is given in deserving cases, the question of opening the floodgates does not at all arise. But such submission is an eye opener and we may point out that in the present case it is apparent that the respondents were bent to refuse the petitioner's request for that reason only, and no other..... In these premisses where it is apparent that the respondents refused the permission, despite the seriousness of the charges, only because in their opinion, such permission would open the floodgates, the action of the respondents in refusing the sought permission is unreasonable, arbitrary and violative of the principles of natural justice."

The Hon'ble Supreme Court in case of Trustees Port of Bombay Versus Dilip Kumar 1983 Lab & Ind. Cases 419, held as under :

"Whether in a disciplinary enquiry before a domestic Tribunal, where the employer appoints as presentencing-prosecuting officers the persons who are legally trained to represent the employer, and the delinquent employee seeks permission to defend himself by a legal practitioner, will the refusal of such a request would vitiate the enquiry on the ground the delinquent employee has not been afforded a reasonable opportunity to defend himself? Referring extensively to the earlier case law on the subject, the Hon'ble Supreme Court came to the conclusion that where in a domestic enquiry, the delinquent officer is pitted against a legally trained mind and he seeks permission to appear through a legal practitioner, the refusal to grant the request would amount to denial of a reasonable request to defend himself and the essential principles of natural justice would be violated."

It is therefore held that the arbitrary rejection of the request of the workman to be represented by lawyer in this case has resulted in grave prejudice to him and it amounts to denial of reasonable opportunity of defence and a violation of the principle of natural justice.

9. Not only the request of the workman to engage a lawyer was declined, even his most reasonable request for being represented by Shri Tara Chand Gupta an office bearer of the Central Bank Employees Union, which union the workman had joined during the course of the proceedings, was also declined. The Enquiry Officer in his cross-examination as MW1 has admitted that on 12-12-75 the workman had intimated that he had become member of the Central Bank Employees Union and that he may be permitted to be represented by the General Secretary of the said Union but his request was declined on the ground that it was doubtful whether a representative could be engaged during the pendency of the enquiry. Thus the enquiry Officer has betrayed a total lack of knowledge of the principles of jurisprudence and normal behaviour. In the first instance he should have got his doubts clarified by reference to the rules of seeking instructions from his superiors and in the absence of any such exercise, the benefits of doubt should have been given to the workman. It further appears from the proceedings dated 1-4-76 that on 20-3-76 the workman had submitted another letter to the enquiry officer reiterating his request to be represented by the General Secretary of the Central Bank Employees Union but the Enquiry Officer rejected the request with the reason "I have already given my ruling and I stick to it". The Enquiry Officer in his cross-examination as MW1 has admitted that on 30-3-76 the workman gave a representation again pleading the request for being allowed to engage the general secretary of the Central Bank Employees Union as his representative and he was informed that he had already been given his ruling. However a perusal of the enquiry proceedings held after the workman's first representation dated 12-12-75 till 1-4-76 show that no such ruling was ever given by the enquiry officer on the workman's request. On 1-4-76 the workman got his protest recorded to the following effect :

"Under the circumstances I have no alternative but to participate in the enquiry, of course, under protest

and without prejudice to my right to challenge the arbitrary decision of the Enquiry Officer”.

It was only on 2-6-76, by which time evidence of all the bank witnesses had been recorded, that the enquiry officer allowed the workman to bring the Central Secretary of the bank Union to defend him. In a case of similar nature, the Hon'ble Supreme Court in *C. L. Subramaniam Vs. Collector of Customs 1972 Lab I.C. 1049*, held as under :

“21. From the facts set out above, it is clear that the Enquiry Officer did not afford the appellant necessary facility to have the assistance of another Government servant in depending him which assistance he was entitled to under the rule. He was deprived of that assistance solely because of the indifferent attitude adopted by the Enquiry Officer. Therefore, we have no hesitation in coming to the conclusion that the Enquiry Officer had clearly breached R 15(5).

22. It is needless to say that R. 15 is a mandatory rule. Moreover when a man is charged with the breach of a rule entailing serious consequences, he is not likely to be in a position to present his case as best as it should be. The accusation against the appellant threatened his very livelihood. Any adverse verdict against him was bound to be disastrous to him, as it has proved to be. In such a situation, he cannot be expected to act calmly and with deliberation. That is why Rule 15(5) has provided for representation of a Government servant charged with dereliction of duty or with contravention of the rule by another Government servant or in an appropriate case by a legal practitioner.”

Similarly, Bombay High Court in *V. Shambhumurthy Vs. Union of India (1986-II-Lab. Law Notes-349)* has held as under :

“18 Far from rejecting the appellant's request for legal assistance, the department should itself on its own initiative have given liberty to the appellant to avail himself of legal assistance. The department did not do so and thereby denied the appellant a reasonable opportunity of defending himself, the department cannot be heard to say look even so the appellant did well for himself; Look at the amount of cross-examination and the arguments he advanced. It is not the volume but the quality that matters, pitted as he was against a prosecutor whose experience in domestic enquiries totally eclipse the total lack of experience of the appellant. Compared to the department's prosecutor, the appellant was a babe in the woods. The very principles of natural justice were violated.”

This arbitrary action of the enquiry officer in initially declining the request of the workman in engaging the general secretary of the Central Bank Employees Union and subsequently allowing the request only after the entire evidence of the Bank witnesses had been recorded has certainly resulted in grave prejudice to the workman and the entire enquiry proceedings are liable to be set aside on this short ground.

10. It has been pleaded by the workman in para 19 and 20 of the statement of claim, that in the absence of anyone to represent him in the enquiry till 12-6-76, the bank's representative was given full liberty by the enquiry officer in the matter of examination of the bank's witnesses even to the extent of openly prompting them by reading out to them the charges against the workman on which they were to give their evidence and thus virtually telling them as to what they were to say in support of the charges against the workman. The workman has extracted some of the leading questions put up by the bank's representative to the various witnesses and annexed the same as annexure W-9 to the statement of claim. I have perused these extracts and also enquiry proceedings and I am of the opinion that some of the questions were of leading nature and should not have been allowed to be asked. It appears that the absence of any representative of the workman was fully exploited and such leading questions were allowed to be asked and this also resulted in causing prejudice to the workman.

11. On 9-8-75 the workman pointed out to the enquiry officer that his subsistence allowance was not being paid by the Management and got it recorded as under :

“This shows how deeply the management is prejudiced against me, as the non-payment of my subsistence allowance may have adverse mental effect on me due to resulting family worries and even came in my way of attending the enquiry proceedings. I request the E.O. to instruct the Bank to pay my subsistence allowance for June and July, 1975 and in future by the end of the month. It is the duty of the E.O. as a quasi-judicial authority to protect me from such type of harassment and physical and mental torture during the course of the enquiry.”

The workman again information inquiry officer on 22-9-75 that no subsistence allowance had been paid to him from the date of his suspension. Still, no subsistence allowance was paid and the workman had to move the labour court for recovery of subsistence allowance, by filing an application under section 33-C(7) of the I.D. Act on 6-5-76. It is only thereafter, that the management released the subsistence allowance to the workman. Miss C. Rao MW2 in her affidavit sought to justify non-payment of subsistence allowance to the workman on the ground that recoveries therefrom had to be made for loans taken by the bank and other sources. She has admitted that recoveries made from the subsistence allowance by the Bank were refunded to him after he filed an application under section 33-C(2) of the I.D. Act. This goes to show that the bank had unlawfully made the deduction from the subsistence allowance of the workman and the harassment and hardship caused to him could not be undone by the subsequent refund of the unauthorised deductions. In case *Fakirbhai Fulabhai Solanki V. Industrial Tribunal, Gujarat (1986-II-LLN. 74)* the Hon'ble Supreme Court considered the case of the appellant who was kept under suspension pending disposal of employers application under section 33(3) of the I.D. Act without paying him any subsistence allowance because there was no provision therefore in the standing orders, and it was held no payment of any subsistence allowance to the appellant during the said proceedings resulted in denial of reasonable opportunity to the workman to defend himself, which led to the violation of the principles of natural justice. On the same analogy, non-payment of subsistence allowance to the workman in the present case during the pendency and continuance of the enquiry proceedings for almost a year has to be similarly viewed, and even more so, because there was a distinct provision in the Sastry Award (para 557) for payment of subsistence allowance to the workman during the pendency of the enquiry.

12. In the enquiry proceedings held on 26-8-75 the workman had requested for being supplied copies of the submissions/reports made by the bank's witnesses against him before the framing of charges against him. The Enquiry Officer after first recording that the workman would be given such statements or report, added that he would give his ruling on the next date. However, no such ruling was given on the next date or thereafter. The workman pressed his request on 3-10-75 and on the next date 16-10-75 the bank representative made a statement to the following effect :

“.....We are informed by the Zonal Office that there were several oral complaints from several parties on the basis of which the Zonal Office deputed some senior officer to look into the matter, on the basis of which a memo was served and a charge sheet was framed and served on Mr. Sham Lal Jain. The anonymous written and oral complaints are part and parcel of the confidential documents which need not be delivered.”

In the course of the evidence of bank witness B. S. Gandhi it transpired that the accountant of Madipur Branch Shri K. R. Shrama who was also a bank witness had given a report about the irregularities prevailing at the branch. The workman requested for being supplied copy of the said report and the Enquiry Officer directed the bank representative to comply with the request of the workman on the next date. When the workman pressed for his request on the next date the bank's representative avoided to produce the same for the reason that it was a secret and confidential document and so its copy could not be supplied to the workman. The

Enquiry Officer disposed of the request with the remarks that "if the Management assumes it to be secret document it is their outlook". It was for the Enquiry Officer to decide whether or not the claim of the Management that it was a privileged document was justified and he could not have abandoned his duty by simply observing that if the Management deemed it to be secret document it was their outlook. The Hon'ble Supreme Court in the case Kashinath Dikshita V. Union of India 1986 Lab & Ind. Cases-1939) has held as under :

"The meaning of a reasonable opportunity of showing cause against the action proposed to be taken is that the Government servant is afforded a reasonable opportunity to defend himself against the charges on which enquiry is held. The Government servant should be given an opportunity to deny his guilt and establish his innocence. He can do so when he is told that the charges against him are. He can do so by cross-examining the witnesses produced against him. The object of supplying statements is that the Government servant will be able to refer to the previous statements of the witnesses to be examined against the Government servant. Unless the statements are given to the Government servant he will not be able to have an effective and useful cross-examination.

It is unjust and unfair to deny the Government servant copies of statements of witnesses examined during investigation and produced at the enquiry in support of the charges levelled against the Government servant....."

13. In this case the enquiry officer himself proposed the punishment of discharge from service without notice but no mention has been made of the provisions of the Bipartite Settlement under which the punishment was awarded. The Enquiry Officer in his statement as MW1 has clarified that the punishment was awarded under para 19.6 of the Bipartite Settlement which for convenience of reference is reproduced below :

"19.6 An employee found guilty of gross-misconduct may :

- (a) be dismissed without notice; or
- (b) be warned or censured or have an advance remark entered against him; or
- (c) be fined; or
- (d) have his increment stopped; or
- (e) have his misconduct condoned and be merely discharged"

It has been further stated by the Enquiry Officer in his cross-examination that the workman was not discharged after condoning his misconduct. There cannot be any two opinion that the punishment has to be the one which has been provided in the Bipartite Settlement. The Bipartite Settlement provides that an employee found guilty of gross-misconduct may have his misconduct condoned and be merely discharged. In other words in the case of punishment of discharge, the misconduct has to be condoned but the enquiry officer has stated that his misconduct had not been condoned. Therefore, the punishment awarded is not in consonance with the provisions of the Bipartite Settlement.

14. In the present case the chargesheet was issued by the Zonal Manager who undisputedly was an authority higher than Shri K. L. Kalra the Enquiry Officer who was appointed to hold the enquiry the Zonal Manager by the order recorded in the charge sheet itself. It is, therefore, apparent that the Zonal Manager had restricted the function of Shri K.L. Kalra only to holding the enquiry and submitting his report. But the Enquiry Officer overstepped his function and dispose of the matter himself by first proposing the punishment on the basis of his own findings and then himself confirming the proposed punishment. It has been argued on behalf of the bank that Shri K. L. Kalra as Enquiry Officer could act as Disciplinary/Punishing authority. It may be so, but in the present case, in view of the order contained in the charge

sheet issued by the Zonal Manager, a Superior authority, it appears that his function had been restricted to hold the enquiry and to submit his report to the Zonal Manager. The Hon'ble Allahabad High Court in Sher Bahadur Singh Vs. Union of India 1977-Lab. & Inc. Cases-1562, has held as under :

"Thus, both the Assistant Security Officer and the Security Officer were disciplinary authorities for the petitioner. The Security Officer issued an order on 20-10-70 appointing the Assistant Security Officer as the Inquiring Officer into the charges framed against the petitioner; as the Assistant Security Officer had been directed to conduct an enquiry, he was bound to report to the Security Officer with his findings. He was not competent to dispose of the matter on his findings that the charges were not proved. He had to submit his findings to the Security Officer who had taken control of the proceedings....."

From the foregoing discussions, it follows from the facts and circumstances of the present case, that the proper and competent disciplinary authority was the Zonal Manager and not the Enquiry Officer and, therefore, the order of imposition of penalty passed by the Enquiry Officer appears to be without authority.

15. The Management has tried to read too much in the workman's letter dated 24-3-77 which has been reproduced above. It appears that the workman had given this letter without comprehending the meaning and imposition of show cause against the proposed punishment or under sheer frustration. However, his prayer for favourable consideration shows that he was not agreeable to the punishment proposed by the Enquiry Officer. The observation made by the Enquiry Officer in the memo of final Order that "since Mr. Jain vide his letter dated 24-3-77 has stated that he had nothing to say for the punishment. I have got no option but to confirm the punishment as proposed by me earlier". goes to show that the punishing authority did not apply his mind to the sufficiency or insufficiency of the punishment and this has also resulted in denial of justice to the workman.

16. On reading of the findings of the Enquiry Officer, an impression is left in the mind that the enquiry Officer has imported his personal knowledge into the proceedings about the goings on in the branch in which, the workman was posted at the relevant time. It further becomes clear that one Mr. Wadhwa was the Branch Manager at the relevant time and he was subsequently dismissed from service. The enquiry report gives the impression that the misdeeds of said Mr. Wadhwa are sought to be foisted on the workman. There is an undertone in the enquiry report that Mr. Wadhwa and the workman were hand in glove with each other which means that it was a case of conspiracy. In that event, there should have been charge of conspiracy against the workman but nothing of the sort has been done. In this regard, I quote some of the observations made in the enquiry report as under:

"Further Mr. R. K. Aggarwal had stated that he received the proceeds of this voucher through Shri H. C. Wadhwa in the morning, whereas Mr. Ram Dass Rallia, Chief Cashier had stated that it was cheque for Rs. 70,000 drawn by Horiram Oil Company which was appropriated towards the receipt and the balance amount was received in cash."

"While making a defence, Mr. Jain had tried to take full advantage of Mr. Wadhwa, the then Branch Manager of the office who was subsequently dismissed by the Bank. When I go through the statement of the witnesses, the exhibit produced before me it is difficult to judge as to who was acting on whose instructions. Both were involved in doing irregular acts. Mr. Wadhwa allowed Mr. Jain overdraft Rs. 50,000 against cheque which was not paid by the drawee Bank despite lodging it twice. This act of Mr. Wadhwa in allowing advance of Rs. 50,000 to a clerk on his own, flouted all the

rules, norms and practice of the Bank. The alliance could be seen in the succeeding para which brings forth the motive of Mr. Jain.

On 22-3-75, Mr. Jain received an unpaid cheque for Rs. 73,624.64p on counter from the New Bank of India. In the normal course, this amount would have been debited to the party's account utmost by 24-3-1975 (23-3-75 being Sunday) but it was never done, and a novel procedure was adopted by Shri Jainand Shri H. C. Wadhwa by sending pay order to the Bank and leaving the column 'on account of' blank, and when pay order was presented by New Bank of India on pointing out by Mr. Prashar this lacuna Mr. Wadhwa promptly wrote the name of Govardhan Oil Company as if the cash was deposited by this company.

A pertinent question is as to why Mr. Shyam Lal Jain and Mr. H. C. Wadhwa did not debit this amount to the account of M/s. Aggarwal Traders and the entry was not properly rounded through. They deviated from the said procedure and regular course of action. They allowed party to avail the benefit of this huge amount as long as they could. When there was mounting pressure from New Bank of India for its reimbursement, they adopted this course. It is a case of quid-pro-quo."

A clean advance against clearing cheques was against all norms of banking procedure and beyond the discretionary powers of the branch Manager. Mr. Shyam Lal Jain should have immediately adjusted his account on returning of cheque. No documentary evidence was produced in support of the mortgage deed.

The act of reloading of returned cheque again aggravated the matter which reflected the connivance of the Branch Manager with the delinquent employees.

Mr. Jain was working as a clerk in the Bank. It is unthinkable that the clerk should get an advance of nearly Rs. 50,000 from the Branch Manager. Mr. Jain was fully aware of his limitation and the limitation of the Branch Manager in allowing advances to staff members. Such acts of grossly flouting the norms, rules and regulations could hardly be found in the Bank history. The Branch Manager of the Branch certainly did it at his own cost. Mr. Jain who was only a clerk, got an advance of Rs. 49700 reflected a deep link between them. Over and above Mr. Wadhwa agreed for reloading of the returned cheque instead of demanding reimbursement from Mr. Jain. In this manner, certainly they jeopardised the interest of the Bank.

The amount of the interest charged is a poor consolation as compared with the safety of the funds, which is a permanent factor.

Mr. Jain was working as a clerk and it was not the part and parcel of his duty to do such jobs and incur unnecessary risk until and unless he was induced by his personal interest and motive. The mere I deal with this case, more and more the dummy personality of the Branch Manager was emerging who was acting in such an irresponsible manner. Not only Mr. Jain took undue advantage when the Branch Manager was in service but made a full use of his absence. In these circumstances to say that it was in knowledge of the Branch Manager does not help much.

In defence past practices and instances have been cited. I can see that these past instances were as reprehensible as present one. According to Mr. Jain funds of the Bank were left with an employee of R.B.I. who was not accountable to Central Bank in any manner. It was wrong on the part of Mr. Gupta to hold the nationalised Bank's funds

unauthorisedly when he was working in R.B.I. It is based on factual positions this practice was fraught with risk.

I could understand the demand of new currency notes by the villagers, but it does not appeal to me that they were crazy about the specific series of notes and to satisfy their demand the Branch Manager risked the Bank's funds.

In these circumstances, first and the paramount step for any Branch Manager was to debit the party's account irrespective of balance available. None of other staff members had mentioned about the now."

The above observations of the enquiry officer in the enquiry report speak for themselves and I have no hesitation in holding that the findings of the Enquiry Officer are perverse.

17. In view of my discussions above and after considering all the additional evidence produced by the parties as per order of the Hon'ble High Court I am of the opinion that no change has occurred in the shape of the case because of the new evidence having come on record. The domestic enquiry against the workman is held to be vitiated. The question now arises as to whether it will serve any purpose to further allow the Management opportunity to prove the charges before this Tribunal. The workman was suspended on 20-6-75. He was discharged from service on 28-3-77 after a prolonged enquiry. There were protracted proceedings before this Tribunal and the matter has come to the conclusion after a lapse of nearly 8 years. If a fresh trial is initiated for proving the charges in this Tribunal, it would veritably amount to a denial of justice. The charges against the workman are based on documentary evidence. A look at the charges levelled against the workman reveals that there is no allegation of any defalcation of accounts and the bank has not suffered any financial loss in real terms. The charges at best amount to connivance in the misuse of bank funds for a short period by a third party in the case of the first charge and misusing the funds of the bank for a short period from 10-5-75 to 22-5-75 in the case of the second charge and for the period from 15-4-74 to 24-5-74 in the case of the third charge. The evidence of all the three charges is in the shape of documents about which there is no dispute. Hence the charges can be determined on the basis of the documentary evidence on the record itself. A close look at the evidence and the enquiry proceedings and the findings of the enquiry officer leads to the conclusion that it is not the workman who was directly responsible for all these misdeeds but the then Branch Manager incharge of the branch who failed to exercise, whether deliberately or inadvertently, proper control over the functioning of the branch. It was really the function of the Branch Manager to see that the cheque for Rs. 73634.64 p. received on 22-3-75 was debited to the account of the party concerned but he failed to exercise proper control with the result that the cheque was not debited to the account till 3-5-1975. However, on 6-5-75 the branch manager took the full amount alongwith 5% commission in cash in his custody and had the pay order issued on that date. All the same the workman cannot be fully absolved of his involvement in this charge because he did prepare the pay order unauthorisedly a portion of which was subsequently torn off. Similarly with respect to the second charge, it is the branch manager who allowed overdraft facility to the extent of Rs. 50,000 to the workman. Once this facility had been allowed to the workman, he was within his right to utilise that facility. In fact the cheque which was encashed by the workman as overdraft was passed and cleared by the Branch Manager. Where then is the fault of the workman. If the Management had any objection to the allowing of overdraft facility to the workman who was only a clerk, it should have taken suitable steps to get the overdraft facility withdrawn and if there was any misuse of authority, action should have been taken against the branch manager. The third charge relates to a petty amount of Rs. 3500 which was given to the workman for obtaining new currency notes from the R.B.I. The workman has explained that the staff of the R.B.I. took considerable time in supplying the new currency notes. He had in fact left the money with the

official of the R.B.I. and he could not go to the R.B.I. to collect the money as he otherwise got busy with his house work. He has also explained that such delay in the supply of new currency notes was the normal feature at that time. Even if all the charges are taken on their face value, the punishment of discharge from service is totally disproportionate to the gravity of offence. Taking an overall view of the entire facts and circumstances of this case, it is directed that the workman shall be reinstated with the continuity of service but with 25 per cent back wages. Further the first three increments falling due after termination may be withheld with cumulative effect and thereafter increments may be allowed to him and his pay fixed accordingly. This reference stands disposed of accordingly.

GANPATI SHARMA, Presiding Officer

March, 1994.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

March 15, 1994.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI.

नई दिल्ली, 5 मई, 1991

का. प्र. 1258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, राजकोट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-94 को प्राप्त हुआ था।

[संख्या एन-41012/69/88-डी-2 (बी)/बी.-I)]

एन. एन. के. रा. रेलवे अधिकारी

New Delhi, the 5th May, 1994

S.O. 1258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Rajkot and their workmen, which was received by the Central Government on the 4-5-1994.

[No. L-41012/69/88-D.2(B).B.I.]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-28 of 1989.

PARTIES:

Employers in relation to the management of,
Western Railway Rajkot.

AND

Their workmen.

APPEARANCES:

For the Management.—Shri Mehta.

For the Workmen.—No appearance.

INDUSTRY : Railways

STATE : Gujarat

Bombay, dated the 18th day of April, 1994

AWARD

Government of India, Ministry of Labour, New Delhi, by letter dated 19th July, 1989, following reference has been made to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the Divisional Railway Manager, Western Railway, Rajkot in terminating the services of Shri Bhika R., leverman w.e.f. 4-6-1983 is justified? If not, what relief the workman is entitled to?”

2. Statement of claim has been filed by the Secretary, Paschim Railway Karmachari Parishad, Himatnagar. Shri Bhika was working as Cabinman at Sidhpur Station of Rajkot Division of Western Railway. Along with Shri Bhika, other Cabinman of Sidhpur Station made representation against wrong order of Area Supdt. Mahesana for allotment of Railway quarter. Quarters are given to the essential staff as per station seniority but this rule was infringed and railway quarter was allotted to one relieving Station Master who resulted at Sidhpur after the Cabinman joined. Another quarter was allotted to Shri Kantilal, Restgiver Station Master. These allotments were contrary to the rules and regulations. Shri Bhika was taking a leading role and therefore, the Area Supdt. Mahesana got annoyed. Shri Bhika was reverted and transferred to Jagudan Station as Restgiver leverman. He agreed with Shri Mohan, Jagudan to share accommodation in railway quarter No. T19/C, from 19-12-1982. Sharing of accommodation is, according to the statement of claim, permitted by the rules. Thereafter, Shri Bhika was on leave, Traffic Inspector Kalol inspected Jagudan Station and instigated Shri Mohan to give complaint of forceful occupation of quarter but Mohan refused to do so. To harass Shri Bhika, Inspector Kalol and Station Master Jagudan created a case against Bhika and matter was reported to Area Supdt. Mahesana. It was stated that Shri Bhika forcefully occupied the quarter after throwing out luggage of Shri Mohan. It is thereafter, contended that the Area Supdt. who had bias against Shri Bhika on receipt of the report suspended Shri Bhika with effect from 28-12-1982. Ultimately, he was removed from services from 4-6-1983 without giving any notice. Against this, he has complained and therefore, present reference has been made.

3. On behalf of the Railway Administration written statement has been filed. Challenge to the jurisdiction is made. It is stated that the allegations in the statement of claim are not correct. Shri Bhika was transferred to Jagudan Railway Station on his own request. There was no accommodation available and he force-

fully entered the quarter of Shri Mohan. It is thereafter, that an enquiry was held and he was dismissed.

4. The parties led oral evidence in this case. Point that arises for consideration is whether the action of the Railway Administration in terminating services was justified.

5. There is no dispute on the point that Shri Bhika was transferred to Jagudan and that he was not allotted quarter. The case of the management is that he forcibly entered the quarter provided to Shri Mohan, and though asked to vacate, did not do so. In this connection, evidence has been led on behalf of the management. Shri Bhika's case is that he has been permitted to reside by Mohan, in his (Mohan's) quarters and that he did not forcibly enter the same. He has given evidence in this behalf and stated that there was a talk between him and Mohan to share the quarters allotted to Mohan and he joined him in that quarter on 19-12-1982 and started residing with him. It is his evidence that Shri Mohan had willingly agreed to accommodate him.

6. In this connection, Shri Mohan has been examined by the management and Shri Mohan states that he had not permitted Shri Bhika to reside in his quarter and he entered forcibly. It is on the contrary, his grievance and evidence that Bhika evicted him (that is Mohan) from the premises and about it Mohan complained. Shri Mohan was not cross-examined as Bhika did not appear in this Tribunal on that day when Mohan was examined. The conduct of Shri Mohan in complaining about Shri Bhika is consistent with what Mohan states and it is followed by report by the Station Master and therefore, rendered more probable.

7. Shri Hiralal in evidence stated that he was a Station Master, Jagudan at the relevant time, Shri Bhika did not apply for quarter and was not allotted any quarter. He further stated that Shri Bhika was staying at Linch Borivi, three kilometres away from Jagudan and coming for duties from that place. He had proved his report dated 31-12-1982 in which he has stated that at the request, Bhika was transferred on reversion from Sidhpur to Jagudan and resumed duties on 23-10-1982. He further stated in that report that on 19-12-1982 Shri Bhika brought his luggage and kept it in Quarter No. T19/C, which was occupied by Shri Mohan without intimating anybody. He further states in the report that when Shri Mohan asked him to remove his kit, Shri Bhika did not do it and instead of vacating, he removed the luggage of Shri Mohan and kept it in open varandha. One memo was served on Bhika but he did not vacate that unauthorisedly occupied quarter. He further stated that was a case of misconduct. He also in the course of evidence spoke about these facts and has not been cross-examined by or on behalf of Shri Bhika. In the circumstances, it is evidence that Shri Bhika unauthorisedly occupied the quarter of Shri Mohan, declined to vacate the same when asked to do so, and instead removed the kit of Shri Mohan and kept it on the veranda. He further states that Shri Bhika was told by the Enquiry Officer as well as him to give in writing that he will vacate the quarter, so that his case will be considered sympathetically. Reply of Bhika was that he would prefer

to die than vacate the quarter. In these circumstances, the findings which were adverse to Shri Bhika came to be accepted by the Competent Authority and his services were terminated. It is difficult to say that the termination was not justified.

8. It appears that Shri Bhika was not allotted the quarter and it also appears that he had grievance on the point. He felt that others, who were not entitled to quarter were being allotted quarters. If that be so then the management must mend its ways. However, the method adopted by him to get the grievance redressed was surely not proper one. I find therefore, that the action of the management in terminating services after holding an enquiry into the misconduct committed by Shri Bhika is justified and therefore, Shri Bhika will not be entitled to any relief.

9. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 5 मई, 1994

का. आ. 1259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार युनाइटेड वेस्टर्न बैंक लि. के प्रबन्धन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 1, बम्बई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-94 को प्राप्त हुआ था।

[संख्या एल—12012/140/93—आर्डर आर (बी-1)]

एम. एल. के. राव, उच्च अधिकारी

New Delhi, the 5th May, 1994

S.O. 1259.—In pursuance of Section 17 of the Industrial Disputes Acts, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United Western Bank Ltd. and their workmen, which was received by the Central Government on the 4-5-94.

[No. L-12012/140/93-IR)(B.I.)]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-31 OF 1993

PARTIES :

Employers in relation to the management of United Western Bank Ltd.

AND

Their workmen.

APPEARANCES :

For the Management—Shri Khasbardar and Shri Joshi.

For the Workman—Workman present in person.

INDUSTRY : Banking STATE : Maharashtra

Bombay, dated the 18th day of April, 1994

AWARD

The Government of India, Ministry of Labour has by letter dated 24-6-1993 made the following reference to this Tribunal for adjudication under Section 10(1)(d) read with Section 2(a) of the Industrial Disputes Act, 1947.

“Whether the action of the Management of United Western Bank Ltd., in terminating the services of Shri Kailash S. Joshi, Sweeper, w.e.f. 10-1-1990 is legal and justified? If not, what relief the workman is entitled to and from which date.”

2. Statement of claim has been filed by the workman. It has been stated therein that, he was appointed as a Sweeper with effect from 1-11-1982, and came to be confirmed with effect from 12-8-1983, and till 14-3-1988, he was continued as a Sweeper at Sadashiv Peth Branch, at Pune. Thereafter he came to be promoted to the post of Peon, and w.e.f. 12-12-1988, he was transferred to Dombivali branch. However, he was demoted as Sweeper. According to him due to Medical unfitness, he could not join duties. He was thereafter transferred to Pune camp branch w.e.f. 21-8-1989. He further states that, the action of the management is not allowing the delinquent to join is totally wrong, against law, and the principles of natural justice. He has also further submitted that he was ready to resume duties at any branch, but the management was unnecessarily delaying the matter without any justifiable reasons, and the provisions of the awards and settlements have not been properly observed.

3. It appears that he had approached the Labour Commissioner (Central). However, the conciliation efforts failed.

4. On behalf of the Bank, written statement has been filed. The facts stated by the workman with regard to his date of appointment, confirmation, and promotion are not in dispute. It is not necessary to refer to the written statement in detail in view of the terms of settlement arrived at between the parties, and the same has been filed before me today. The said terms of settlement marked Exhibit ‘A’ has been signed before me, today, by M/s. Kulkarni and Indurkar on behalf of the Karmachari Sangh, and M/s. P. S. Sabharangak, G. M. Khade and N. K. Khasbardar, on behalf of the Bank management, whose signatures have been duly identified by Shri I. R. Bhagwat, Joint Secretary of the Karmachari Sangh. In witness thereto, the same has been signed by Shri P.M. Joshi and Shri P.M. Rajawade.

5. As per the terms of this settlement, Mr. Kailash S. Joshi, will be reinstated in the services of the Bank as a Sweeper as a fresh recruit, in any of its

branches/offices. He will be under probation for a period of 6 months under the pay scale of Rs. 272 per month, being 1/3rd scale wage as applicable to the sub-staff cadre. He will have to forgo the past seniority and other service benefits including back wages. He will not be entitled to any superannuation/retirement benefits for the period during which he was not in the employment of the Bank, i.e. w.e.f. 10-1-1990 to the date of his reinstatement in service. He will also be required to refund the Bank, 3 months' wages paid to him by the Bank towards notice pay at the time of termination of his services.

6. I have explained the same to the delinquent workman, and after fully understanding the same, he has accepted the terms and conditions of the said settlement.

7. In view of the above circumstances, there is no dispute now surviving, and the award in terms of the said settlement marked ‘A’ be drawn up.

Award accordingly with no order as to costs.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 5 मई, 1994

का. आ. 1260.—आयोगिक विवाद अधिनियम, 1947 (1947 का 17) की धारा 17 के अनुसूची 3, केन्द्रीय सरकार भागीदार स्टेट बैंक के एम्प्लॉय के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट आयोगिक विवाद में केन्द्रीय सरकार आयोगिक अधिनियम, 1947 के पंखट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-94 को प्राप्त हुआ था।

[सूच्य एन-12012/204/89-आई आर (बी-III) की आई]

एन. एन. के. राव, ईरक अधिकारी

New Delhi, the 5th May, 1994

S.O. 1260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 3-5-1994.

[No. L-12012/204/89-IR(B I II) B.I.]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 210/89

Jaswant Singh Vs. State Bank of India.

For the workman.—Shri J. B. Garg.

For the management.—Shri Ashok Khullar

AWARD

Central Govt. vide Gazette notification No. L-12012/204/89-I.R. (B. III) dated 13-12-1989 issued U/S 10(1)(d) of Industrial Dispute Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Regional Manager, State Bank of India, Haryana & U.T. in reverting Shri Jaswant Singh from the post of Cashier to Messenger w.e.f. 16-11-1988, is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

2. Case of the present petitioner as set out in the statement of claim that he was appointed in the bank on 17-9-1971 as messenger and posted at Ballabgarh branch of the bank. He passed his matriculation examination from the Central Board of High Education, New Delhi. He submitted the certificate of having passed the said examination to the bank. Branch manager forwarded the said certificate to the local head office New Delhi for verification. Upon having received the clarification from the local head office an entry was made in his service sheet to the fact that he has passed his examination of matric standard. According to him there are two channel of promotion from the subordinate cadre to clerical cadre. For matriculation subordinate staff members a higher standard test and for middle standard subordinate staff member, Zonal test lower standard test. According to him he was called to appear in the clerical written test by the bank in the year 1979 after putting about 8 years of service. He was also called for interview and promoted as cashier w.e.f. 1-4-1980. However in the year 1988 the respondent management advised him that he did not pass the matriculation examination from the recognised board, therefore, he should be reverted to messenger from cashier. Thus action of the management reverting him from cashier to messenger is illegal, unconstitutional and against the principal of natural justice. The management had already considered his matriculation certificate and thereafter 14 years is no reason for the management to raise the issue whether he has qualified matriculation examination from the recognised board. His further plea is that had the bank not called him to write the promotion test in the year 1979 on the basis of his having passed the said Matriculation Examination, he would have been otherwise eligible to write the promotional test in the second category as per para 6(ii) above in the same scale of pay and allowances. He thus sought that the bank be refrained from reverting him from cashier to messenger.

3. The management in their written statement has taken preliminary objection that in view of the ratio of the judgement 1986 Kerala Law Time page 801 the present case is not maintainable. On merits the plea of the management that the petitioner passed the matriculation examination conducted by the Central Board of High Education in the year 1972 and on the basis of that he was allowed to appear in the written test/interview held by the bank for promotion of eligible members of subordinate staff. The petitioner was successful in written test/interview. He was promoted as cashier w.e.f. 1-4-1980. Subsequently

it came to the banks notice that the Board from which the petitioner has passed his matriculation examination was not an institution recognised by the Government after verification from Ministry of Education and Culture now Ministry of Human Resources and Development and therefore, he was ordered to be reverted to subordinate cadre w.e.f. 16-11-1988. It is further pleaded that accepting the certificate in question was a genuine mistake and the position was rectified as soon as the mistake came into the notice of the bank's notice and sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the claim statement.

5. The petitioner examined himself as WW1. He filed his affidavit Ex. W1. The management got proved the documents Ex. M1 and Ex. M2 matriculation certificate and show cause notice. Mr. S. R. Singhal is the management's witness. He filed his affidavit Ex. M3. He also relied on the documents Ex. M4 to M7. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. The representative of the petitioner has argued that the petitioner was promoted from subordinate cadre to clerical cadre in the year 1980 and had continued in clerical cadre for nearly 8 years and after 8 years the management can not revert him on the plea that the board from which he had passed the matric examination is not recognised by the government. I find force in this contention. The petitioner had submitted his matriculation certificate far back in the year 1973. In this context evidence of the management's witness is very relevant. He has admitted that upon submission of the matriculation certificate by the petitioner in the year 1973 it was sent to the Head Office at Delhi. He has also admitted that head office on verification of the said certificate advised him to promote him to the clerical cadre. The petitioner had worked continuously for 8 years in the clerical cadre. Now after 8 years it does not lie in the mouth of the management to say that the Board from which the petitioner had passed his matriculation examination was not recognised by the management and could effect his reversion on this score especially when the management themselves had verified the certificate submitted by the petitioner far back in the year 1973. I am also supported with the view taken in Baldev Singh Vs. State of Punjab and others reported in 1993(3) R.S.J. page 324 wherein it has been held as under :

"The petitioners were appointed in September November 1979. It will be too late in the day now when the petitioners have put in almost 12 : 13 years of service, to say that they are not entitled to regularisation because they have passed the O.T. examination from an institution which, according to the respondents, is not recognised by the State Government."

8. Further management's witness MW1 S. R. Singhal had admitted in cross-examination that till today the petitioner is continuing in the clerical cadre. There

is no evidence on the record to indicate that the work and conduct of the petitioner is not satisfactory in the clerical cadre. Hon'ble Supreme Court while dealing with the similar situation in Bhagwati Prasad Vs. Delhi State Mineral Development Corporation AIR 1990 Supreme Court page 371 has observed as under :

"Practical experience would always add the person to effectively discharge the duties and is a sure guide to assess the suitability. The initial minimum educational qualification prescribed for different posts is undoubtedly a factor to be reckoned with, but it is so at the time of the initial entry into the service. Once the appointments of petitioners were made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications."

9. The matter does not rest here. Even a non-matriculate who worked in the subordinate cadre for more than 10 years can be promoted in the clerical cadre provided they pass a departmental test MW1 S. R. Singhal has admitted in cross-examination that the petitioner also qualifies clerical test held in the year 1979. He also admits that by virtue of passing the said test in 1979 the petitioner can be promoted to clerical cadre. Therefore, conclusion can easily be drawn that the petitioner deserves to be continued in clerical cadre in view of the circumstances discussed above. The judgement cited by the management Eranallor service Co-operative Bank Ltd. Vs. Labour Court and Others 1986 K.L.T. 801 has no application in the present case, therefore, no help to the management.

10. In view of the discussions made in the earlier paras, the action of the management reverting the petitioner from the post of cashier to messenger w.e.f. 16-11-1988 is certainly illegal. The order Ex. M5 in that respect stands quashed.

11. In a way the reference is answered accordingly and returned to the Ministry.

Chandigarh.
18-4-1994.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 5 मई, 1994

का. आ. 1261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबन्धसंक्षेप के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के संघर्ष को प्रभावित करने है, जो केन्द्रीय सरकार का 1-5-94 को प्राप्त हुआ था।

[संख्या एल-41012/66/90-आई आर (जी ए) बी आई]
एम. एम. के. राव, डेस्क अधिकारी

New Delhi, the 5th May, 1994

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on the 4-5-1994.

[F. No. L-41012/66/90-IR(DU)|B.I.]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated this 25th day of April, 1994

PRESENT :

Shri M. B. Vishwanath, B. Sc., B. L.,
Presiding Officer.

Central Reference No. 14/91

R. Balasubramani,
S/o. Ratnavelu,
No. 22, Sundram Maistry Veethi,
Kosapalyam,

Pondicherry-13—I Party

(By Shri S. Kantappa, Adv.)
V/s.

1. The General Manager,
Southern Railway,
Madras-3.
2. The Dvl. Rly. Manager,
Southern Railway,
Trichy-627010.
3. The Sr. Dvl. Personnel
Officer,
Southern Railway,
Trichy—II Party

(By Shri J. Nagaraj, Advocate).

AWARD

In this reference made by the Hon'ble Central Government by its order No. L-41012/66/90 IR (Du), dated 13-3-1991 under Sec. 10(2A)(1)(d) of the I. D. Act the point for adjudication as per schedule to reference is :—

"Whether the action of management of Dvl. Rly. Manager, Southern Railway, Tiruchirappalli in terminating the services of Shri Balasubramani, Ex-Khalasi w.e.f. 31-3-79 is justified? If not, what relief the workman concerned is entitled to?"

2. In view of the settled law, it is not necessary to set out the pleadings in extenso.

3. The admitted facts are :—

The I party while he was working as Loco Khala-si at the Loco Foreman's office at Villuporam was first removed from service by the Asst. Mechanical Engineer, Southern Railway, Thiruchirapalli w.e.f. 27-5-1977 for his unauthorised absence from duty from 28-6-1976 to 5-7-1976, on 8-7-1976 and from 20-7-1976 to 26-8-1976, in continuation of a day's L.A.P. (Leave on average pay) sanctioned to him on 19-7-1976. The I party preferred an appeal which was rejected. He then made a review petition to Dvl. Railway Manager. The Dvl. Rly. Manager allowed the review petition, and the penalty of removal from service was modified. One increment was withheld. Withholding one increment, the Dvl. Rly. Manager ordered reinstatement of I party workman in service.

4. Again he was unauthorisedly absent from 12-5-1978 to 31-5-1978 and one set of free pass was withheld as penalty for his unauthorised absence. Further, he absented himself from duty unauthorisedly from 22-6-1978 to 6-7-1978 and again from 25-7-1978 to 19-10-1978 and subsequently he was removed from service w.e.f. 31-3-1979. This is clear from the last entry of the I party's service register Ex. M. 1.

5. The I party has stated in the claim statement that he was continuously ill.

6. On behalf of the II party M.W.1 M. Jayasegar, Law Assistant, Southern Railway has been examined. He has spoken to the stand of the II party, set out in the counter statement. There is no evidence on behalf of the I party.

7. In the order sheet dated 11-2-1992, it has been stated by this Tribunal that the point for decision is covered by the schedule to reference and no separate issue are required. It has been made clear that all other subsidiary points would be considered at the time of final arguments.

8. It bears repetition. The I party has been removed from service because of his absence (see para 4 above) which has been set out above. This has been spoken to by M.W. 1.

9. It is not the case of the II party that before terminating the services of I party it held any departmental enquiry against him. Admittedly no D.E. has been held by the II party before terminating the I party from service.

10. The decision reported in 1993 (II) LLJ 696 (D. K. Yadav Vs. J.M.A. Industries Ltd.) arose out of the award passed by the Labour Court, Haryana. The workman had wilfully absented himself from duty for more than 8 days without leave or prior permission from the management and he was deemed to have left the services of the company on his own account and lost his lien and the appointment because clause 13(2)(iv) of the standing order was that if a workman remained absent without sanctioned leave he shall lose his lien on his appointment unless he reports to duty within 8

calendar days of the commencement of the absence. In accordance with the standing order, the name of the employee was struck off from the muster rolls. The Labour Court up-held the termination order passed by the management. Ultimately the matter went to Hon'ble Supreme Court.

The Hon'ble Supreme Court after observing in para 13 at page 702 that "the order of termination of service of an employee workman visits with civil consequences of jeopardising not only his/her livelihood but also career and livelihood of dependents" has laid down "therefore, before taking any action putting an end to the tenure of an employee/workman fair play requires that a reasonable opportunity to put forth his case is given and domestic enquiry conducted complying with the principles of natural justice". The Supreme Court was pleased to set aside the termination order and reinstate the employee.

11. In the instant case admittedly no D.E. has been held and the conditions for retrenchment have not been complied with. In view of the latest decision of the Supreme Court the order of termination has to be set aside and I party reinstated.

ORDER

The order of the II party removing the I party workman from service w.e.f. 31-3-1989 is not justified. Accordingly it is set aside. The II party is directed to reinstate the I party workman forthwith with continuity of service. No back wages. Award passed as stated herein, accepting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 25th day of April 1994.)

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 6 मई, 1994

का. धा. 1262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधमंत्र के संद्वय नियोजकों और उनके कार्यकर्ताओं के बीच संयुक्त में निहित औद्योगिक विवाद में औद्योगिक प्रतिक्रिया, बहिष्कार के तत्वागत को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-94 को प्राप्त हुआ था ।

[संख्या 74-12012/150/91—नई दिल्ली-III/को धा.]

एम. एम. के. राव, डेस्क अधिकारी

New Delhi, the 6th May, 1994

S.O. 1262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (10 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Vadodra as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 27-4-94.

[F. No. 12012/150/91-JR-B.III/BI]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI A. B. MARATHE, INDUSTRIAL
TRIBUNAL, (CENTRAL) VADODARA

Reference (Central—I.T.) No. 7/91.

Bhikhabhai Naharsinh Mahida,

Post : Natvarnagar,

Taluka : Savli, Dist. Vadodara.

(Gujarat State) ..

.. Applicant.

V/s.

Manager,

State Bank of India,

Sayajiganj Branch,

Vadodara (Gujarat State).

.. Opponent.

Shri V.P. Vaishya—Learned advocate for the applicant.

Shri P.S. Handa—Learned advocate for the opponent.

AWARD

(1) This is an industrial dispute raised by a workman who was for some time employed by the opponent Bank. He was employed as a temporary messenger on 31-11-1981 by the opponent Bank for 89 days. On and from 26-2-82 his employment came to an end. On 8-12-82 he was again re-employed on the same post for 55 days upto 31-1-83. Immediately on the next day i.e. 1-2-83 he was given a fresh employment for 28 days upto 28-2-83. Immediately on the next day i.e. on 1-3-83 he was given a further fresh employment for 31 days upto 31-3-83. Thus, the applicant workman worked in the opponent Bank in all for 203 days.

(2) The opponent Bank had adopted the policy of regularising the service of temporary workmen who had worked for more than 90 days in a calendar year in the Bank. Accordingly, the applicant was interviewed over again for such regularisation in the year 1985. Then it was revealed that on the date of his first appointment i.e. on 30-11-81 he had completed more than 24 years. According to the Bank Rules, the workman must not have completed more than 24 years on the date of the initial appointment for regularisation in the service. Thus, this rule came in the way of the workman and he was not regularised.

(3) The Union therefore raised a clamour and appreciating their difficulties the opponent Bank liberalised the rule in the year 1987 with the result that even those workmen who had not completed more than 20 years on the date of the initial appointment could be regularised in service if they otherwise satisfy the requirements for recruitment. Therefore, the applicant was again interviewed for regularisation in the month of October 1980. Since then the opponent Bank has not declared the result of this interview and, therefore, the applicant is still without an employment. Therefore, he approached the Assistant Labour Commissioner (Central) for conciliation of his dispute. But the attempts at conciliation failed and the Desk Officer, Ministry of Labour, Government of India, New Delhi by his order No. 120121

1178 GI/94-6

150/11-I.R./B-3 dated 16-8-91 referred the following issue for adjudication to this Tribunal :—

“Whether the action of the management of State Bank of India, Regional Office, Baroda in terminating the services of Shri B. N. Mahida is legal and justified? If not, to what relief the workmen is entitled?”

(4) The applicant filed his statement of claim at Ex. 8. He contended that the opponent Bank illegally terminated his service though he had completed 90 days in service in a calendar year which was sufficient according to Bank Rules to entitle him to be regularised in service. Secondly, he contended that the action of the Bank in not regularising his service amounted to retrenchment and in so far as the Bank had not complied with the provisions of Sec. 25F of the Industrial Disputes Act and had not paid him the retrenchment compensation and other dues, he was entitled to be re-instated in service with bank wages.

(5) The opponent Bank filed the written statement at Ex. 11. They admitted that the applicant had put in 203 days of service as a temporary messenger in the Bank in piece-meal manner. But they pointed out that the appointment of the applicant was irregular in view of the fact that he was over-age on the first date of the appointment and, therefore, he could not be regularised in service. They also admitted that after the age limit was relaxed enabling the Bank even to absorb those workmen who had not completed more than 26 years on the date of the first appointment, they had interviewed the workman for regularisation in the month of October 1989 and that the result of the interview was awaited.

(6) Both the parties have produced documentary evidence on record. The applicant has examined himself on oath at Ex. 15 to prove his case. The opponent Bank examined one Suresh Natvarlal Desai, Chief Manager of Zonal Office of the Bank at Ex. 23. I have heard the arguments of Shri V. P. Vaishya, the learned advocate for the applicant and Shri H. S. Handa, the learned advocate for the opponent.

(7) The following issues arise :—

- (i) Whether the action of the Opponent Bank in not regularising the service of the applicant amounts to termination or retrenchment?
- (ii) Whether the action of the opponent Bank in not declaring the result of the interview of the applicant held in October 1989 is illegal and unjustified?
- (iii) If issue No. (ii) is held in the affirmative, to what relief is the applicant entitled?
- (iv) What final order :—

My findings are as follows :

- (i) In the negative.
- (ii) In the affirmative.
- (iii) The applicant is entitled to be re-instated in service with back wages with effect from 1-1-90.

(iv) As per order below.

REASONS

Issue No. (i)

(8) Admittedly the applicant was employed on temporary basis for specified periods of time in a piece-meal manner. At no stage the Bank has passed any formal order terminating the service of the applicant. Therefore, there is no termination of service of the applicant. Secondly, Sec. 25F of the I. D. Act provides for retrenchment compensation only if the workman has put in continuous service of one year. Sec. 28B of the I. D. Act gives an extended meaning to the term "continuous service" by providing that if a workman puts in 240 days of service in a calendar year, then he is deemed to have served for one continuous year. But the applicant has served for 203 days only. Therefore, by no stretch of imagination it can be said that the applicant was over retrenched. Therefore, this is not a case of retrenchment either. I, therefore, hold issue No. (1) in the negative.

Issue No. (ii)

(9) The witness of the opponent Bank Suresh Natvarlal Desai, Ex. 23 who is the Chief Manager of the branch of the Zonal Office of the Bank at Baroda has said on oath in the chief-examination that with a view to absorbing the applicant in permanent service of the Bank he was interviewed in October 1989; but that the result of the said interview is not declared. He has said that if the applicant passes the interview test and if the Central Office of the Bank sanctions the vacant post in which the applicant could be absorbed, then the applicant will be given employment. It is admitted that the rule of absorbing even those who had completed not more than 23 years was the result of Bi-partite settlement between the management and the Union. The witness has further said that it is provided in the Bi-partite Settlement that if a workman approaches the Industrial Tribunal for justice, then he must first withdraw the reference to entitle him to get the benefit of the Bi-partite Settlement. It is the right of every workman to approach this Tribunal for justice if he feels that he is wronged and any provision in the Bi-partite Settlement to oust the jurisdiction of this Tribunal would be an instance of unfair labour practice and even against the public policy. Even during the arguments it was submitted by Shri Handa, the learned advocate for the opponent Bank, that if the applicant withdraws this reference, then there were all good chances of his being absorbed in the Bank in regular service. But the applicant did not accept this proposal. The applicant fulfills all other requirements for being regularised in service. He had not completed 26 years on the date of the first appointment, secondly he is a non-matric and, thirdly, he has put in 90 days temporary service in the Bank. Even according to this witness in the chief-examination itself these are the only requirements to be fulfilled for being absorbed in permanent service of the Bank. Even then the applicant's result is not being declared. Therefore, there are all good reasons to believe that this result not being declared is an attempt at victimisation of the workman merely because he

has sought justice in this Tribunal. Such an approach of a nationalised bank can never be tolerated with equanimity. To top it all, the bank witness admitted in the cross-examination that one Mahendra Pandya whose birth-date is 28-7-1957 and who was appointed temporarily as a messenger about one month after the applicant was appointed has been regularised in service though he had completed 24 years on the date of his first appointment. Thus, a workman who is junior to the applicant is regularised; but the same benefit is being denied to the applicant. That cannot be tolerated. I, therefore, hold issue (ii) in the affirmative.

Issue No. (iii)

(10) The applicant was interviewed in October 1989 and it was connected of the opponent Bank that they would declare the result within a reasonable time, say, upto 1-1-1990. Since the Bank has withheld the result for unjustified reasons, the applicant is entitled to be reinstated in service with effect from 1-1-1990 with back wages. I hold issue (iii) accordingly.

Issue No. (iv)

(11) Hence the following order is passed :—

ORDER

The opponent Bank is ordered to re-instate the applicant in the regular service of the Bank as a messenger with effect from 1-1-1990 with back wages. The opponent Bank is further directed to calculate the arrears of wages payable to the applicant as a result of this award within three months from the date of the publication thereof and pay the same to the applicant.

Dt. 18.4.94

A. B. MARATHE, Industrial Tribunal

नई दिल्ली, 6 मई, 1994

का. भा. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ओ. एन. जी. सी. प्रोजेक्ट के प्रबन्धन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण गुजरात (अहमदाबाद) के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-4-94 को प्राप्त हुआ था।

[संख्या—एन-30011/29/91-आई आर (विधि)]

सी. गंगधरन, डेस्क अधिकारी

New Delhi, the 6th May, 1994

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Gujarat (Ahmedabad) as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of ONGC Project and their workmen, which was received by the Central Government on 29-4-94.

[No. L-30011/29/91-IR(MISC)I]

C. GANGADHARAN, Desk Officer.

BEFORE SHRI H. R. KAMODIA, INDUSTRIAL TRIBUNAL, A' BAD

Ref. (ITC) No. 14 of 1992.

ADJUDICATION

BETWEEN

O.N.G.C., Project Mehsana|Vadodara.

AND

The workmen employed under it.

In the matter of paying operational allowance to the employees in fire station, Mehsana from 1-5-88 to 31-3-90.

APPEARANCES :

Shri A. S. Kapoor, representative for the second party.

Shri K. V. Gadhia, Advocate, for the first party.

AWARD

An industrial dispute between the above-named parties has been referred for adjudication to the Industrial Tribunal, Ahmedabad under Section 10(1) of the I.D. Act, 1947 by the Desk Officer, Govt. of India, Ministry of Labour vide his order No 30011|29|91-IR(Misc.) dated 3-7-1992. Subsequently under an appropriate order it has been transferred to this Tribunal for adjudication.

2. The industrial dispute relates to the question "Whether the action of the management in not paying the operational allowance to the employees in fire station, Mehsana from 1-5-1988 to 31-3-1990 is justified? If not, to what relief the employees of fire station are entitled?"

3. The second party has contended in its statement of claim Ex. 4 that the first party has established a number of fire stations in Mehsana Project of O.N.G.C. It has established fire stations to meet the emergent need of its operations in case of fire, floods and other natural calamities and under the provisions of mines regulations, 1984. These fire stations are predominantly manned by the employees of Fire discipline and the fire crew always remain at the back and call of various disciplines of O.N.G.C. It is required to attend daily jobs in the remote areas. It is also being utilised by civil administration on the orders of the first party. It has introduced a scheme under its administrative orders to pay operation allowance at 7-1|2 per cent of wages (BP) to the employee working in general shift and 10 per cent to the employees working in and around the clock shift duties. The employees posted in fire stations under reference are being provided with shift vehicles, which is normally a jeep. They are also provided with items of kits and liveries with Gum boots, Rain coats etc. They are entitled to operational allowance. The first party has prescribed eligibility for operational allowance. The employees must travel in shift duties provided by the Commission. They must attend at least 80 per cent attendance of working days in a month. Therefore they are entitled to operational allowance. Still however, the first party do not pay operational allowance to them. The Fire Stations were established under DTYS. In the said DTYS, there are

various categories of employees working for the business of the Commission namely Operators, Supervisors, Rigman, Topman, Welders, Khalasis, etc. It was commissioned by the first party on 18-5-1978. The first party ordered payment of operational allowance w.e.f. 1-4-1990. It has prayed to direct the first party to pay operational allowance to the employees of the Fire Stations for the period from 1-5-1988 to 31-3-1990 at the rules prescribed by it.

4. The first party has resisted the statement of claim filed by the second party by filing its written statement Ex. 9, wherein it has inter alia contended that it is a body corporate established under the ONGC Act, 1959. It is a State under Article 12 of Constitution of India. The reference is not maintainable at law and it is liable to be dismissed. It is true that in Mehsana Project there are three first stations located at different places. The Fire Stations have been established by the Commission to meet its emergent need to its operation in case of fire, flood etc. They are managed by employees of fire discipline and the crew so posted at these Fire Stations are Fire Officer, Fire Inspector, Fire Supervisor and Fireman. The Fire Stations are situated in Pucca construction and the employees employed under it have not to go outside the premises. Therefore it is not true that the working at Fire Stations are required to attend as 'stand-by' at the time of various production operation alleged by the Union. It is true that operation allowance is being paid at 7-1|2 per cent of wages to the employees working in general shift and 10 per cent to employees working in around the clock shift duties. However, it has denied that rest of the contentions made in paragraph 4 of the statement of claim. It is true that it has ordered to pay operational allowance w.e.f. 1-4-1990. It has contended that the staff posted at Fire Stations are not entitled to get operational allowance since the beginning i.e. 1-5-1988. It has granted operational allowance to the staff posted at Fire Stations w.e.f. 1-4-1990 as a special case and not as a matter of right. The distance involved to duty station on an average is not more than 6 to 7 Kms. It may be justified to pay operational allowance to Sobasan, Santhal and Becharaji Viramgam Road fire stations which are located at a distance of 11 kms. to 25 kms. respectively but it has not justified to claim or to pay operational allowance in the category of employees at Central Fire Stations. The management consented to pay operational allowance for Central Fire Stations, on the lines of court Judgement of DTYS w.e.f. 1-4-1990 merely as a welfare measure and to keep the employee contended and satisfied. It is strongly felt that operational allowance for Central Fire Station may be discontinued with immediate effect keeping in view the financial crisis in the Commission as well as in the country. Therefore on these grounds it has prayed to dismiss the reference with cost.

5. The parties have not adduced any oral evidence. They have declared this by purshis Ex. 21. They have filed some documentary evidence. They rely on the same in support of their respective contentions. I have heard the parties and I have gone through the entire record of the case.

6. The small question that this Tribunal is required to be decided is whether the persons working in fire stations are entitled to operational allowance from 1-5-1988 to 31-3-1990. It is a fact that the first party has granted operational allowance w.e.f. 1-4-1990, whereas it has not paid this allowance to them prior to that. The fire stations are located at 3 places. They are located at Santhal, Sobasan and at Becharaji Viramgam Road and attached to DTYS 5 ONGC, Mehsana. Of course fire stations are located in a pucca construction. However they have not to use their skill in the construction in which they are located. They have to go out in open sky for putting officers and to meet the calamities like flood etc. The ONGC sinks wells at different places and more particularly in open spaces. Many a times the wells may catch fire. The employees working in fire stations will have to go to those places. Thus it is clear that the employees working at fire stations have not to discharge their duty at the places where they are located. They have to discharge duty at distant places and that too in open sky. The first party has contended in paragraph 14 of its written statement Ex. 9 that operational allowance to employees working in Santhal, at Sobasan fire stations may be justified. So far as the fire station at Becharaji Viramgam Road is concerned it is not inside the city or town. It is away from the city. The parties have not produced any evidence. Ex. 16 is the copy of the office order dated 15-10-1990, whereby all the fire personnel working at Central fire station has been paid operational allowance w.e.f. 1-4-1990. Ex. 17 is another officer order dated 26-1-1990. It was issued prior to the above circular. Ex. 26 is dated 17th August, 1989. It is office memorandum issued in accordance with clause 8 of memorandum of settlement, 1989 between the ONGC and its union in the matter of payment of operational allowance on revised pay. By this office memorandum the operational allowance was changed from 5 to 7-1/2 per cent and from 7-1/2 to 10 per cent. This change was made with effect from 1-4-1987. The Industrial Tribunal deals with the dispute which relates to the payment of operational allowance from 1-4-1988. Hence this circular will be applicable to the employees working in fire station. This is the only evidence on the record. As per this office memorandum Ex. 26 the employees were paid operational allowance at 7-1/2 per cent to 10 per cent respectively with effect from 1-4-1987. It appears that the employees of the fire stations have raised the demand with the result that the first party had consented to the same. However it decided to give w.e.f. 1-4-1990, whereas it is contended by them that they should be paid operational allowance w.e.f. 1-5-1988 it was submitted by the learned advocate of the first party that the claim is delayed and so this Tribunal should not entertain such a claim. There is no merit in this submission. What is contended is grant of operational allowance from 1-5-1988. The present reference was received in this Tribunal in the year 1992. It was received in July, 1992. It appears that the dispute was raised at the earliest. ONGC took time to settle dispute w.e.f. 1-4-1990, whereas it refused to give operational allowance w.e.f. 1-5-1988. Therefore there is no question of delay in raising the dispute. This it is clear that the employees of the fire stations are entitled to operational allowance from 1-5-1988 to

31-3-1990. The action of the first party in not giving this allowance to the employees of fire station, Mehsana is therefore not justified. Therefore this allowance will have to be paid to them. Hence I pass the following order.

ORDER

The ONGC i.e. the first party should pay operational allowance to all the workmen working in fire stations, Mehsana at 7-1/2 per cent to those working in general shift and at 10 per cent to those who are working in around the clock shift w.e.f. 1-5-88 to 31-3-90. The arrears should be paid to them within 3 months from the date of receipt of this order. It has also to pay Rs. 300 by way of cost to the second party and bear its own.

SECRETARY,

Ahmedabad, 5th April, 1994.

H. R. KAMOIA, Industrial Tribunal,
Ahmedabad.

नई दिल्ली, 6 मई, 1994

का. प्र. 1264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. टाटा आयरन एंड स्टील कम्पनी लिमिटेड की वेस्ट बोकारो कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (मं. I), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[संख्या-एल-20012/122/90-आई प्रार (कोल-I)]

गो. गंगाधरन्, डेस्क अधिकारी

New Delhi, the 6th May, 1994

S.O. 1264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of West Bokaro Colliery of M/s. TISCO and their workmen, which was received by the Central Government on 2-5-1994.

[No. L-20012/122/90-IF(C.I.)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d)
(2-A) of the Industrial Disputes Act, 1947

Reference No. 191 of 1990

PARTIES :

Employers in relation to the management of
West Bokaro Colliery of M/s. Tata Iron and

Steel Company Limited, P.O. Ghatotand.

Dt. Hazari Bagh.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 21st April 1994

AWARD

By Order No. L-20012(122)/90-I.R. (Coal-I) dated the 20th August, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of West Bokaro Colliery of M/s. TISCO Ltd., P.O. Ghatotand, Distt. Hazaribagh by non-re-instating the services of Sri Mahabir Mahato, Ex.-M. V. Driver, West Bokaro Colliery of TISCO Ltd. w.e.f. 13-2-1987 and not making payment of allied benefits payable to him from time to time is legal and justified? If not, to what relief the workman concerned is entitled?"

2. In this matter a domestic enquiry was held in which the Enquiry Officer found the workman guilty of the charge and, on the basis of enquiry, this workman was ultimately dismissed from service. Here it may be mentioned that by order dated 25-3-1992 learned predecessor, while deciding the preliminary issue, had held that the domestic enquiry was fair and proper.

3. In the charge-sheet dated 16-2-1986 (Ext. M-1) the following charge was leveled against the workman :—

"On 20-12-1985 at about 2.45 P.M. you along with about 50 villagers of Duni armed with Tangi, Pharsa, Arrows, bows and other lethal weapons, attacked Shri Rameshwar Prasad Singh, Havildar with the above lethal weapons, who was in second shift duty from 2.00 P.M. to 10.00 P.M. at Washery No. II gate and as a result of the murderous attack he was killed at the above spot. On getting information about the attack, the Security Personnel immediately rushed to have the life of Shri Rameshwar Prasad Singh but on seeing them, you shouted, 'MARO, MARO' and chased them along with other villagers due to which they got panicky and left the spot.

The above is a very serious act of misconduct on your part. You are hereby charged for riotous behaviour."

The aforesaid charge was said to be a misconduct under provision of clause 25(5) of the Standing Orders. The workman had submitted his explanation (Ex. M-2) stating therein that he was on the date of occurrence working as Driver in Washery No. I for which second shift was from 3 P.M. to 11 A.M. He further stated that from his village (Duni) he came to his duty through Khuski road because the main road was longer. The workman explained that on 20-12-1985 he reported to duty at 3 P.M. and started working. At about 4 P.M. he came to know that his cousin Fuleshwar Mahato was killed by Security Guard and then he left his duty at 4 P.M. He claimed that Security Officer Sri Sahay had then told him to give false statement in order to save the Security Guard and on his refusal to oblige, the Security Officer wanted him to teach a lesson. In the explanation he has refuted both the charges and denied his complicity. In the explanation he further stated that he was made an accuse for the murder of Havildar Rameshwar Prasad Singh in which he had obtained bail from the Court. The workman claimed that since the case was pending on the similar charge it would not be proper to hold domestic enquiry till the pendency of the case as the departmental enquiry would put hurdle in the case pending in the Court. A prayer was made to postpone the domestic enquiry till disposal of the case in the Court of Session.

4. Obviously the management did not stop its hand, awaiting the disposal of the Sessions case and initiated a domestic enquiry as would be clear from Ext. M-3.

5. After dismissal of the workman concerned from service as a result of the aforesaid enquiry, a dispute was raised by the workman himself which was referred to this Tribunal for adjudication.

6. From the written statement of the management it will appear that the workman was dismissed from service with effect from 12-2-1987, on account of misconduct, through the letter of the management dated 5/7-2-1987 (Ext. M-7). It has further been averred in the written statement that the workman had led a violent mob of about 50 persons of Duni Village armed with lethal weapons at about 2.45 P.M. on 20-12-1985 and had attacked Rameshwar Prasad Singh, Security Havildar who was on duty at Washery No. II Gate during the second shift (2 P.M. to 10 P.M.) as a result of which Security man was killed. It was also alleged that when other security personnel rushed to the spot, they were chased away by the violent mob at the instigation of the concerned workman.

7. In the rejoinder part of the written statement, it has been claimed that aforesaid Security Havildar and cousin brother (Phuleshwar Mahato) of the concerned workman had died on account of rioting at the washery Gate No. II between 2.30 P.M. to 2.50 P.M. It has been alleged that the concerned workman then ran away and got his attendance

marked at about 3.00 P.M. (at Washery Gate No. I). Therefore, the Attendance Register does not prove his alibi.

8. A prayer has been made not to allow any relief to the workman.

9. The workman also filed his written statement in which the workman has almost supported his explanation submitted to the management on receipt of the chargesheet with slight variation, such as, that he learnt about the death of Phuleshwar Mahato at about 3.20 P.M. or that he was on duty on that day from 3 P.M. to 7 P.M. Obviously, he could not be having duty hours of only 4 hours.

10. It has been stated that when he reached at the Gate of Washery No. II he saw the dead body of the cousin and number of co-villagers present there. The deceased cousin was also his co-villager. It was then that he saw the dead body of Rameshwar Prasad Singh, Havildar. The workman has claimed that he was falsely involved because he happened to be the relative and co-villager of deceased Phuleshwar Mahato who was shot dead by the Security Guard.

11. In the written statement the workman has claimed that the Attendance Register would show that he had come to attend duty at 3 P.M. that day.

12. It has been alleged in the written statement that the allegation in the chargesheet could not be termed as misconduct since both related to allegation of criminal offence within the jurisdiction of a criminal Court. A prayer has been made to allow re-statement of the workman with related payments.

13. Before proceeding further it may be mentioned that in the Tribunal on behalf of the workman the photo copy of the certified copy of judgement of the Sessions Court in Trial No. 139/87 relating to the same incident in which the concerned workman was Accused No. 1, was filed and the learned predecessor was pleased to mark it as Ext. W-1. But I will first reach a decision on the merit without any reference to this exhibit and then I will discuss the admissibility of this exhibit and importance that may be attached to such document, if admissible as fresh evidence.

14. The points emerge for consideration. Firstly, as to whether the finding of the Enquiry Officer that the charge against the workman was proved by the evidence adduced during the enquiry, can be upheld to be a correct conclusion. Secondly, if conclusion of the Enquiry Officer is held to be correct and just then whether the punishment of dismissal awarded to the workman could be said to be just and proper.

15. The record of enquiry recorded by the Enquiry Officer in his hand runs into 109 pages. While discussing the evidence of individual witnesses I will note the page number of that particular evidence in the bracket wherever necessary.

16. The management did examine four witnesses in all whereas the workman had examined four witnesses including himself. MW-1 is Sri Samir Chatterjee, Senior Engineer in Washery No. II who has said

that at about 2.30 P.M. that day he had received news of disturbance while at residence, which information he had transmitted to the Manager of Washery No. II. He also deposed that at 2.50 P.M. he left for post-lunch duty, but met security personnel who were returning from the place of occurrence and who told him about the incident advising not to move further at which he came back to his residence and again informed the Manager. MW Nos. 2 to 4 are three personnel of Security Department claiming to be the eye witnesses, namely, Sri P. S. K. Sahay, Security Inspector, Sri Kaushal Kishore Singh, Naib and Sri Brij Kishore Singh, Havildar.

17. Since MW-1 is not the eye witness his evidence is not that important as that of an eye witness. But importance of his evidence lies in the fact that the three eye witnesses who were returning from place of occurrence on a Jeep had met this witness at the divergent road leading to the Washery No. II near old offices main gate (Evidence of MW-1—page 1), and had told him about the incident. MW-1 has said (page 2) that he was told, in hurry, that there was lot of tension and at 2.45 P.M. Security staff Rameshwar Prasad Singh had been attacked by the villagers with lathal weapons and that when the security personnel reached at the place of occurrence, the villagers and Mahabir Mahato, who was amongst the attackers, shouted "MARO MARO" and chased away security people. The evidence of this witness is important to this extent that soon after the alleged occurrence, he was told about the incident by the eye witness who also had named Mahabir Mahato as one of the accused of the murderous attack on the Security Havildar and as one of the chasers of these security personnel. But his evidence could have good corroborative value only if the evidence of eye witnesses is relied upon. Therefore it is necessary first to examine the reliability of the evidence of three eye witnesses.

18. All the three eye witnesses are unanimous in saying that Security post had received phone call from Washery No. II at 2.25 P.M. As the Jeep was not available they first searched for it in other section. When they came back they saw that the Jeep was available on which they proceeded to the place of occurrence together.

19. The evidence of timing is very important because the charge-sheet alleges that the occurrence had taken place at about 2.45 P.M. at the gate of Washery No. II, and evidence is there on the record that at 3 P.M. attendance of the concerned workman was marked at the gate of Washery No. I where he was scheduled to start working from 3 P.M. MW-1 has said (Page 4) that distance of attendance cabin of Washery No. I, from the place of occurrence, was about 1 to 1-1/2 K.M. No doubt, MW-1 has also said that the workman had enough time to cover this distance after having committed the offence at about 2.45 P.M. at Gate No. II as there was 15 to 20 minutes of margin time in recording attendance. This aspect of the matter I shall examine later also taking into consideration the evidence of the workman's witnesses on this point. But first I will discuss as to whether or not the three eye-witnesses have proved

that they had identified the workman as the assailant as well as the chaser.

20. From the evidence of eye-witnesses it is clear that they could not have reached the place of occurrence before 2.45 P.M. MW-2 has said (P. 23) that it took 15 minutes in locating Jeep and it took further five minutes in reaching the place of occurrence. As already stated this witness had received the information of the disturbance at 2.25 P.M. MW-2 has said (P. 36) that they had spent 15 to 20 minutes in the search for Jeep. In reply to another question during cross-examination he clearly stated that they had got the vehicle at about 2.45 P.M. He said that after getting the vehicle at 2.45 P.M. they proceeded towards the Washery Gate. He also said (P. 37) that it took them 4 to 5 minutes to reach the Washery Gate. Therefore, as per evidence of this witness the security personnels had reached the place of occurrence at about 2.50 P.M.

21. MW-4 said (P. 43) that the Jeep was located after 10 to 15 minutes. He also said (P. 46 and P. 47) that they had proceeded towards Washery No. II at 2.40 P.M. and had reached there at about 2.45 P.M. He also said (P. 54) that it took 4 to 5 minutes in coming from Washery No. II.

22. Therefore, from the evidence of these three witnesses what emerges is that they had reached near the place of occurrence on a Jeep in between 2.45 P.M. to 2.50 P.M.

23. It is clear from the evidence of these three witnesses that they had not stayed at the place of occurrence for any considerable period rather they had returned from there within no time when the mob moved towards them shouting "MARO MARO". Enough to cite the evidence of MW-2, Security Inspector, on this point. He was asked (P. 28) as to for what time he had stayed at the place of occurrence. The witness replied that he could only say that on reaching there and seeing that the mob started shouting "SECURITY WALA AA GAYA MARO MARO", while turning towards them, they drove away finding the mob in violent mood. This witness has also stated (P. 25 and P. 26) that he had seen the persons attacking the Security Havildar from the distance of about 20 Yards.

24. It is therefore clear from the evidence that no sooner the securityman had halted their jeep at some distance from the place of occurrence, the mob of not less than 50 persons noticed them and turned towards them shouting as aforesaid, and immediately thereafter MW-2 turned his jeep and fled away.

25. Not only that the charge states that the mob consisted about 50 villagers, the eye-witnesses also have admitted as such. MW-4 has said (P. 48) that out of 50 to 60 persons in the mob, about 40 persons were standing and rest were assaulting. He further said (P. 49) that 10 to 12 persons were attacking the Havildar. From his evidence (P. 51) it will appear that this witness claimed that he saw the concerned workman hitting the deceased with belcha. Even MW-2 has said (P. 19) that Mahabir was hitting the person lying on the ground with belcha and he shouted

"MARO MARO....." and thereafter the workman and others chased this witness. Therefore, what emerges from the aforesaid evidence is that out of 50 to 60 persons some were assaulting the deceased security-man while the majority of them were surrounding the assailants. It is also admitted that this security-man had remained sitting in the jeep (MW-4—P. 47). It is also clear that they had not enough time at their disposal to take stock of the situation since the mood of the mob immediately drove them away from the place of occurrence. In such case the identification of assailant, who was then surrounded by a mob, by witnesses who had stayed in their jeep at some distance away only for a few moments, becomes doubtful.

26. Not only this though MW-2 has said that they were about 20 yards away from the place of occurrence, MW-4 said (P. 52) that he saw the incident from a distance of about 30 to 40 yards. Surpassing them, MW-3 said (P. 38) that he had seen the incident from a distance of 100 to 150 Yards. No doubt, he said that he might be wrong about the distance, such mistake could be only for a few Yards. This further makes the claim of clear identification in such circumstance to be extremely doubtful.

27. There is also nothing to show on the record that any of these three witnesses were on some enemical term with the concerned workman. No doubt, the concerned workman has claimed that MW-2 wanted him to give statement saving another security man said to have shot Phuleshwar Mahato dead and he threatened of dire consequences if the workman refused to give false evidence. WW-1 Mahabir Mahato has said (P. 63) that Sri Sahay had made this request at M.T. garage at about 3.30 P.M. But this charge hardly can be relied upon. The witness has not said as to what the Security Inspector wanted him to state that could have saved the alleged assailant of Phuleshwar Mahato. Therefore a question would arise as to why these three eye-witnesses would try to falsely implicate this workman. One answer could be that the witnesses might have implicated the workman because of some bonafide mistake. This is in substance the evidence of MW-2 who said during the cross-examination (P. 37 and P. 38) that he did not see the concerned workman face to face at the place of occurrence. Further elaborating, the reply to another question relating to identification, his witness said that what he had seen was a person like this workman.

28. Therefore, it is clear from the evidence of this important witness that he had not seen the face of the concerned workman at the place of occurrence but yet he had named him because he saw a person like him and then might have concluded that the person with likeness to Mahabir Mahato might have been Mahabir Mahato himself.

29. From the aforesaid evidence I very much doubt that any of these three eye-witnesses had any proper opportunity to identify Mahabir Mahato as one of the assailant.

30. Shri B. Joshi, learned counsel for the management made an alternative argument also stating that chasing away of security personnel while shouting threats also amounts to riotous behaviour which is

misconduct under Clause 27(5) of the Standing Orders.

31. No doubt, the three eye-witnesses have spoken about identifying of the concerned workman. MW-2, as already stated, has said that Mahabir Mahato and others had chased him. But the evidence of this witness creates some doubt as to whether Mahabir Mahato had actually chased him. This witness said (P.28) that when the mob started shouting and turned towards them, he drove away. This means that he drove away alongwith his colleagues when the mob turned towards them. It has also come into evidence that majority of the mob were standing there whereas only 10 to 12 persons were assaulting the Havildar. Therefore, if the mob had turned towards the security man and even it moved towards them, those should have been the persons who were standing at the outer fringe. Mahabir Mahato could not have continued assaulting the Havildar and chasing the security men at the same time. But this is what MW-4 would have one believe when he said (P.51) that he had seen the workman hitting the Havildar with belcha when they were returning. Mahabir Mahato could not have been hitting the deceased if he was leading the chaser at that time, or was even only one of the chasers.

32. Therefore, I find the management evidence about identifying the concerned workman either while assaulting the deceased Havildar or while chasing the security-men, to be doubtful and not reliable.

33. I have already mentioned that MW-1, Sri Samir Chatterjee, had said in his evidence about 15 to 20 minutes of margin time in recording the attendance. Explaining the reason, this witness has said (P.3 & P.4) that attendance of about 80 to 100 persons had to be taken at a time and normally it took 15 to 20 minutes for the Attendance Clerk to take their attendance. This way even if the workmen came late by 15 to 20 minutes in the Attendance Cabin his attendance was marked at the time when their shift was to begin. In course of argument Sri B. Joshi, learned lawyer for the management, has pointed out that even worker's witness, T. P. Sharma (P.90) had admitted that this margin time was 10 to 12 minutes. This point Shri Joshi has developed to show that there was enough time for the concerned workman to reach at the attendance cabin of Washery No. 1 after having participated in the occurrence.

34. But I do not find any force in this argument. It may be true, as MW-1 has explained, that at the beginning of a shift since a large number of workers gathered to get their attendance marked, the concerned clerk could take sometime in marking their attendance which may be beyond the time of the beginning of the shift. Admittedly this shift had started at 2 P.M. which is what the chargesheet also admits. Naturally at 2 P.M. such delay would be usual. But in the case of the concerned workman, as even admitted by the management, his attendance was marked at 3 P.M. WW-1 Mahabir Mahato himself, who was M. V. Driver, has said (P.7 & P.72) that since the duty hour of the Drivers in the Washery started from 3 P.M., he was alone in the Time Office at 3 P.M. He also said that in the 'B'

Shift it was only the driver's duty that started from 3 P.M. This fact has not been challenged by the management. During cross-examination also this witness said (P.66) that he was in the 'B' Shift of duty, from 3 P.M. to 11 P.M.

35. Under the circumstances the argument developed on behalf of the management that the concerned workman might have got his attendance marked at 3 P.M. though he could have come late, hardly has any leg to stand upon. In this regard it may be said that even in face of evidence on the record, what has been attempted on behalf of the management was for the Tribunal to go into assumptions and surmises.

36. Therefore, as per evidence on the record it must be held that by 3 P.M. the concerned workman was in the Attendance Cabin.

37. Coming to the evidence of the workman, he has claimed that he started from Duni Village about one hour before his duty time through Khuski Road, which was a short-cut. It has been claimed that this short-cut did not come through the gate of Washery No. II. The concerned workman has also said in his evidence that there was another road which came through Washery No. II which took more than one and quarter hours to reach the gate of Washery No. I but which came through Washery No. II. According to his evidence he had reached the Time Office that day at about 2.50 P.M. In this regard his evidence at page 61 and 70 may be seen. During cross-examination, WW-2 has admitted (P.91) the existence of Khuski Road.

38. However, this is only assertion of the concerned workman that on that day he had come through Khuski Road alone, hence I will not attach much weight to this aspect of his defence.

39. Coming to the timing, WW-1 has said that he had reached the Time Office at about 2.50 P.M. where he had talked with T. P. Sharma, Foreman, M. T. Section for 10 minutes and then he went to mark his attendance. He also said (P.62) that after doing some duty he came to know that Phuleswar Mahato was killed (P.62). The witness also asserted (P.73) that he had talked with T. P. Sharma about well being of each other.

30. WW-2, T. P. Sharma, said that he had talked with Mahabir Mahato at about 2.50 P.M. (P.87) and enquired about the disturbance about which he had heard at about 2.30 P.M., but Mahabir Mahato told him that since he was coming via Khuski Road he was not aware of the incident. This witness said (P.92) that he had talked with the concerned workman from 2.50 P.M. to 3 P.M. This the witness had said during the cross-examination. He also said that a few other persons were also there who also enquired about the incident since his co-villager was involved. However (P.93) he did not remember the names of those other persons.

31. Though this witness has said that he had enquired about the incident, but he has not said as to

whether he pointedly asked about Phuleshwar Mahato. The witness also admitted that Mahabir Mahato had not acquaintance with the incident since he said he was coming from Khushi Road.

42. More stress has been given over the evidence of WW-3, Dilip Danial Hansda, Fitter Helper. He said (P.95) that at about 2.50 P.M. he saw Mahabir Mahato talking to T. P. Sharma. Others were also present. He further said (P. 98) that from talks of T. P. Sharma with Mahabir Mahato, he came to know about the death of Phuleshwar Mahato.

43. He also said that other people were talking about murder of Phuleshwar Mahato at M. T. Section. This the witness had said in reply to a question in cross-examination when asked as to who had informed him about death of Phuleshwar Mahato.

44. It was argued that the story of Mahabir Mahato that he came to know about murder of Phuleshwar Mahato at about 4 P.M. could not be believed. But I also find that WW-3 has also said (P.98 and 99) that he was about 5 feet away from where T. P. Sharma and the concerned workman were talking. He categorically said "no", when he was asked as to whether he could say as to what Sri Sharma and the concerned workman were talking. Therefore it appears that this witness did not hear about the murder of Phuleshwar Mahato from the talks of these two persons but he learnt the same from the talks of other people which might have been later.

45. WW-3 has also said that at 2.50 P.M. he had seen Mahabir Mahato talking with Foreman there.

36. WW-4 Jagat Mohan Singh, Tyndal at Washery No. I, said (P. 102) that he saw Mahabir Mahato at 2.45 P.M. at the old store at Washery No. I and asked him to bring the truck at which he said that he would bring the same after booking his attendance. He also said that he had accompanied him upto time Office but they had not met anybody.

47. It may be argued that if they had not met anybody then how T.P. Sharma was talking to the concerned workman. According to evidence of this witness, he had talked with the concerned workman at 2.45 P.M. to bring the truck. Then he said that he accompanied him to the time Office and in the way met with none. Obviously Mahabir Mahato had gone to book his attendance at about 3.00 P.M. when this witness might have accompanied with him but this witness has not deposed about what the concerned workman was doing in between those 15 minutes.

48. From the evidence of all these witnesses what emerges is that the concerned workman was seen at Washery No. I about or soon after 2.45 P.M. The evidence of the workman on the point of his alibi is superior to the evidence of the management about his complicity in the alleged misconduct.

49. Evidently this workman had worked at Kashery No. I for sometime, as claimed by him, even MW-2 has admitted (P-30) that he had seen him driving vehicle at 3.20 P.M. while he was going towards M.T. Section.

50. In this regard the relevant entry in the Attendance Register (Ex. M-1) may be seen for the relevant date. According to this register workman had marked his attendance at 3.00 P.M. and was marked out at 4 P.M. Incidentally, on this very page there are attendance of 8 other workmen for that day who had marked their attendance at 2.00 P.M. This also support that it was hardly likely that at 3.00 P.M. there had been rush of workers at the Attendance Cabin.

51. When the evidence led on behalf of the workman is superior to the evidence of the management and, the management's evidence when scrutinised on its own appears to be full of lacuna and suspicion, this Tribunal then must differ with the conclusion reached at by the Enquiry Officer and acquiesced to by this superior officer which resulted in the dismissal of the concerned workman, that the charge was proved. I hold that on the basis of materials on the record, the management has failed to prove that the concerned workman was guilty of the misconduct as alleged in the chargesheet.

52. Having come to the aforesaid conclusion it is now academic to examine the question of admissibility or otherwise of Ex. W-1, which is photo copy of the certified copy of the decision of Court of Sessions Judge at Hazaribagh in Session Trial No. 139/87 dated 23-6-91 in which the concerned workman and three others were tried for the aforesaid offence of murder of Havaldar Rameshwar Singh under Sec. 148 and 302 read with Section 149 of I.P.C. This was placed in the Tribunal before my learned predecessor who admitted it into evidence by ordering marking of the same as exhibit.

43. Though now this is a question of academic interest but in view of importance of such document, in my opinion this question should also be thrashed out.

54. I had specifically asked learned counsel of both the sides to advise the Tribunal about the law on the admissibility of such document in view of the restraint placed under proviso of Sec. 11-A of the Industrial Disputes Act, 1947, but none of the learned lawyer could produce before me any decision directly on the point.

55. While considering the question it may be recalled that while submitting the explanation to the chargesheet, the concerned workman had requested the Enquiry Officer to hold his hands till the decision of the Sessions Court in the Sessions Trial relating to the same offence. Evidently the Enquiry Officer did not oblige the workman and proceeded with, and concluded the enquiry.

56. I find that law on this point is that it is advisable, particularly in a case of serious nature, for the Enquiry Officer to stay the domestic enquiry till the decision of the Court so that the concerned workman should not be prejudiced by revealing his defence in the criminal case beforehand. But if the Enquiry Officer has proceeded with the enquiry without waiting the result of the criminal case, that may not alone vitiate the domestic enquiry nor it would make the conclusion reached at in such an enquiry

either to be bad in law or malafide. For this, decision of Hon'ble Supreme Court reported in 1964 (II) LLJ. 113—AIR 1965 SC 155 (between Tata Oil Mills Co. Ltd. & their Workmen) may be seen. The decision of the Hon'ble Supreme Court in this regard reported in AIR 1960 SC 806 (between Delhi Cloth & General Mills Ltd. And Kushalbai) may also be seen. In the case of Tata Oil Mills Co. Ltd. (supra) their Lordships had held that it would be particularly appropriate for the employer to adopt such a course, and to stay domestic enquiry pending final disposal of the criminal case where the charge against the workman is of grave character because in such a case it would be unfair to compel the workman to discontinue the defence which he may take before the criminal court.

57. Undoubtedly the charge against the workman was a serious one, and the management had not stayed the domestic enquiry despite such a request having been made. But, as already stated, rejection of such a prayer itself cannot vitiate the enquiry.

58. Nevertheless if a workman has been prejudiced in any manner, beside the point relating to disclosure of his defence beforehand, by such refusal to stay the domestic enquiry, then it would be in accordance with the principle of natural justice to find a way so that the workman is not allowed to be so prejudiced.

59. For instance, in this particular reference, the decision of the learned Sessions Judge in the aforesaid Sessions case would show that the witnesses, namely, **Brij Kishore Singh and Kaushal Kishore Singh** when they took the witness stand before the Sessions Court, had turned hostile and they denied having identified any person in the crowd or even having made any statement before the police that they had identified the accused persons facing the trial including the concerned workman. But these two are also the star witnesses produced by the management before the Enquiry Officer on whose statement the Enquiry Officer has placed reliance in his report. No doubt, MW-3 Kaushal Kishore Singh though had named the concerned workman but said in cross examination that he had not seen the face, but had seen a person like the concerned workman. but MW-4 Brij Kishore Singh in his evidences has fully identified the concerned workman while assaulting the deceased or while chasing the security men. If the domestic enquiry had been held after the conclusion of the Sessions Trial, naturally the questions could have been put to these two witnesses to contradict them with their statement before a Court of law. This would have greatly eroded their credibility before the Enquiry Officer.

60. Here I do not say that the Enquiry Officer while coming to the conclusion on the basis of materials on record, should be solely guided by the decision of the Court in the criminal case, if that decision was available during the domestic enquiry. Rather the Enquiry Officer has to consider the entire material on record including the judgement of the Court. In the judgement the Court might have given benefit of doubt to the concerned workman but if the

Enquiry Officer finds that from the evidence led before it the charge was proved, he can validly come to the conclusion that the charge against the workman was proved. What I mean to say is that if any benefit was to accrue to the workman on account of the decision of the Court, it would not be fair to deny him that.

61. Evidently, if the domestic enquiry was not stayed and the decision of the Court in the criminal case was announced after the conclusion of the domestic enquiry and punishment to the concerned workman, in such a case it was simply impossible for the workman to produce that decision of the court before the authorities, claiming any point in his favour.

62. Then the only way left for him would be to produce a copy of the judgement before the Tribunal, if in case a reference was made relating to that dispute and the judgement was available by then. Then the question would arise, whether in view of the proviso of Sec. 11-A of the Industrial Disputes Act the Tribunal could admit that copy of the judgement of the Court as fresh evidence.

63. To answer that point decision of Hon'ble Supreme Court reported in (1973) 10 S.C.L.J. 159 (between the workmen of Fire Stone Tyre and Rubber Co. and the Management and others) may be referred to in which their Lordships had made it clear as to what constituted "materials on record" as mentioned in the aforesaid proviso. Their Lordships observed that following would be the "materials on record" —

- (i) The evidence taken by the management at the enquiry and the proceeding of the enquiry, or
- (ii) The above evidence and in addition any further evidence led before the Tribunal, or
- (iii) The evidence placed before the Tribunal for the first time in support of the action taken by the employer as well the evidence adduced by the workman contra.

64. Therefore the aforesaid observation makes it clear that there could be circumstances in which further evidence could be led before the Tribunal in addition to the evidence taken by the management at the enquiry and the proceedings of the enquiry. In this decision itself certain situations have been mentioned in which that additional evidence could be considered, such as, the evidence adduced regarding the legality and validity of the domestic enquiry. Their Lordships also pointed out in para 52 of the decision that an order of dismissal or discharge passed even with the approval of the Tribunal, such as, under Sec. 33(2) of the Industrial Disputes Act, could form subject of a dispute and as such referred for adjudication. When the dispute is being adjudicated, the employer will rely upon the proceeding what were already held before a Tribunal under Sec. 33 of the Industrial Disputes Act. That according to the observation of their Lordships, would form part of materials on record before the Tribunal.

65. If it was impossible for the workman to adduce certain evidence in the domestic enquiry because of its non-availability, then to perpetually prohibit the workman from taking benefit of such evidence if he could take it, would amount to negation of the principle of natural justice. As per the aforesaid decision of Hon'ble Supreme Court, the term "materials on record" relating to the "matter" also embraces certain circumstances in which further evidence can be led before the Tribunal which may be considered. This may be read with a number of decisions of the Hon'ble Supreme Court in which it has been held to be advisable for the management to stay its hands till disposal of the criminal case relating to the same facts, particularly when the charge is grave.

66. In my opinion, in such a case in which the management has not stayed the domestic enquiry pending the decision of the criminal court particularly in a case of serious nature, thereby making it impossible for the workman to take benefit of the decision of the Court, if otherwise he could have taken that benefit, then the workman should not be precluded from relying upon the decision of the Court by placing a copy of it in the Tribunal as additional evidence. The Tribunal then will be able to consider the decision and to see if any benefit of the same can accrue to the workman. Certainly a decision of the Court in favour of the workman alone may not be sufficient to set aside the finding of the Enquiry Officer and the consequent punishment, but the workman will be entitled only that much of benefit which can accrue to him legally and in conformity with the principles of natural justice.

67. For example, if I am to consider Ext. W-1 then surely I will be inclined to take the evidence of MW-3 and MW-4 with a pinch of salt so far identification of the workman in course of occurrence is concerned. But if I place reliance to other aspects of evidence of these two witnesses, and find the evidence of other management witness to be reliable, then I still can hold the report of the Enquiry Officer to be valid and good.

68. But as I have already stated, even without Ext. W-1, I find that the conclusion of the Enquiry Officer was not correct and that the same had been arrived at on incorrect appraisal on the materials on record.

69. No doubt, MW-1 has said that he had learnt about the names and other details of the occurrence when he met in the way MW-2, MW-3 and MW-4. But when it is found that these three witnesses were

hardly in a position to correctly identify the workman and when I also find that the evidence showed that at the time of occurrence the concerned workman could hardly have been at the place of occurrence, then what the security men said to MW-1 loses all its importance. If they had conveyed something to MW-1, they had conveyed some doubtful impression which they might have carried.

70. In the result I must hold that the action of the management in not reinstating the concerned workman was not justified.

71. In so far as the reference about making of payment of allied benefits payable to the workman from time to time is concerned, it may be seen that though I have held that the conclusion of the Enquiry Officer, on which the management had relied for dismissing the workman, was erroneous, but by no means that conclusion can be said either to be pervert or to be malafide. On reading of the report of the Enquiry Officer I find that it is a bonafide case of incorrect appraisal of the evidence and 'material on record'.

72. Moreover, there is nothing on the record to show that since his dismissal, the workman had been sitting idle and was not doing any work. The learned counsel representing the workman has not even said so in course of argument. Keeping in view the aforesaid point I think that the award of 50 per cent of the back wages should meet the ends of justice.

73. In view of the aforesaid discussion, the following award is rendered :—

The action of the management of West Bokaro Colliery of M/s. TISCO Ltd. in not reinstating Mahabir Mahate with effect from 13-2-1987 was not justified. I also find that making of no payment to the workman during this period was also not justified. The management is therefore directed to reinstate the workman retrospectively, with effect from the date of his dismissal immediately on this award becoming enforceable. The management is also directed to pay to the workman 50 per cent of his back wages including allied benefits from the date of his dismissal till the date he is reinstated in accordance with this award i.e., immediately on this award becoming enforceable.

In the circumstances there will be no order as to the cost.

P. K. SINHA, Presiding Officer

